

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BELCALIS MARLENIS ALMÁNZAR,)
)
Plaintiff,)
v.) CIVIL ACTION
) FILE NO. 1:19-CV-01301-WMR
LATASHA TRANSRINA KEBE and)
KEBE STUDIOS LLC,)
) JURY TRIAL
Defendants.)
) VOLUME III OF X

BEFORE THE HONORABLE WILLIAM M. RAY, II

TRANSCRIPT OF PROCEEDINGS

JANUARY 12, 2022

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and computer-aided transcript produced by*

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21

22

23

24

25

INDEX TO EXAMINATIONS**WITNESS****PAGE**

LATASHA TRANSRINA KEBE

Cross-Examination (Cont'd) By Ms. Matz

8

INDEX TO EXHIBITS**P L A I N T I F F ' S E X H I B I T S****IDENTIFIED****ADMITTED**

51 Screenshot of YouTube Video
Entitled "Cardi B I Just Wiped
My A**...

68

68

233 Demand for Retraction Letter

18

18

236 Appendix to Demand for
Retraction sent to Olga
Izmaylova

171

171

250 Twitter Post from
@unwinewithtasha as posted on
October 5, 2018

40

40

264 Twitter Post from
@unwinewithtasha as Posted on
November 7, 2019

29

29

269 Twitter Post from
@unwinewithtasha as Posted on
March 24, 2019

177

177

276 Twitter Post from
@unwinewithtasha as posted on
January 25, 2019

14

14

286 Twitter Posts from
@unwinewithtasha as Posted on
September 21, 2020

32

32

1	<u>INDEX TO EXHIBITS (Cont'd.)</u>			
2	<u>P L A I N T I F F ' S E X H I B I T S</u>			
3			IDENTIFIED	ADMITTED
4	320	Instagram Post from	123	123
5		@unwinewithtashak Containing		
6		Screenshot of Text Messages		
7		with Kyle Anfernee		
8	325	Screenshot of Instagram	173	173
9		Comment from @unwinewithtashak		
10	370	Facebook Post from Tasha K as	37	37
11		Posted on December 24, 2018		
12	521	Video Entitled "Part 1 I'm	153	153
13		Addressing Everything!" as		
14		posted...		
15	522	Video entitled "part 2 Im	10	10
16		Addressing Everything"		
17	525	Video entitled "Cardi B I Just	66	66
18		Wiped My A With Your Demand...		
19	549	Video entitled "Exclusive,	27	27
20		Cardi B & Offset...		
21	550	Video Entitled "Cardi B	83	83
22		Responds to my Tweet. She is		
23		pressed"...		
24	576	Video entitled "Exclusive, New	65	65
25		R. Kelly Enablers Revealed...		
	579	Video Entitled "Patreon Live	154	154
		With Tasha K as Posted by...		
	581	Video Entitled "Cardi Baby	100	100
		Girl. I Mean Baby Bird as		
		Posted by Wino Gang...		
	583	Video Entitled "Tasha K	43	43
		Responds to Cardi B's		
		#muteblackblogs Agenda...		

1	<u>INDEX TO EXHIBITS (Cont'd.)</u>			
2	<u>P L A I N T I F F ' S E X H I B I T S</u>			
3			IDENTIFIED	ADMITTED
4	592	Video Entitled "Exclusive, Cardi's New Lover amid Divorce? Kylie Jenner...	69	69
5				
6	606	Video entitled "9.24.20 - Pt. 2 - EXCLUSIVE INTERVIEW with Tasha K on Larry Reid...	9	9
7				
8	615	Video Entitled "Live, DJ Boof, Megan Thee Stallion & More...	125	125
9				
10	649	Video Entitled "Exclusive, Jessie Woo x Tasha K _ Cardi B...	144	144
11				
12	651	Recording of Instagram Live stream from @unwinewithtashak	87	87
13				
14	655	Video Entitled "Breaking News Wendy William's (Relapsed Again)...	169	169
15				
16	853	Tweet from @unwinewithtasha on October 11, 2018	35	35
17				
18	887	Video Recording of SMS Messages Between Tasha K and Kyle Anfernee	102	102
19				
20	942	Tweets from @iamcardib on May 2, 2018	51	51
21				
22	943	Facebook Post from Tasha K	23	23
23				
24	946	TSDR Records for Unwine With Tasha K as of October 18, 2021	61	61
25				
	986	Comments from InnerG Enlightenment LLC and unWinewithTashaK to YouTube Community post by...	184	184

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXHIBITS (Cont'd.)

P L A I N T I F F ' S E X H I B I T S

IDENTIFIED

ADMITTED

987	YouTube Community Post by unWinewithTashaK YouTube Account	178	178
999	Tweet from @unwinewithtasha on November 8, 2021	180	180
1000	Comments from @unwinewithtashak to Instagram Post by @unwinewithtashak on November 8, 2021	181	181

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Wednesday Morning Session

January 12, 2022

9:35 a.m.

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P R O C E E D I N G S

COURTROOM SECURITY OFFICER: All rise. United States District Court for the Northern District of Georgia, Atlanta Division, is now in session, the Honorable Judge William M. Ray II presiding.

THE COURT: Thank you, sir.

COURTROOM SECURITY OFFICER: Please be seated and come to order.

THE COURT: Good morning. We're ready to begin, Ms. Matz?

MS. MATZ: Yes, your Honor.

THE COURT: Did I get it right this time?

MS. MATZ: No.

THE COURT: I want to say it right.

MS. MATZ: It's Matz.

THE COURT: Matz.

MS. MATZ: Yeah, perfect.

THE COURT: All right. Ms. Kebe if you'd come on up. You can have a seat. The jury should be here shortly.

COURTROOM SECURITY OFFICER: All rise.

(Whereupon, the jurors entered the courtroom.)

1 COURTROOM SECURITY OFFICER: Please be seated and
2 come to order.

3 THE COURT: All right. Good morning. Thank y'all
4 for returning this morning. I appreciate you being on time,
5 and we're ready to proceed. Plaintiff will proceed with her
6 questions.

7 MS. MATZ: May I inquire, your Honor?

8 THE COURT: We're ready to proceed.

9 MS. MATZ: Thank you.

10 LATASHA TRANSRINA KEBE,
11 herein, having been previously duly sworn, was
12 examined and testified as follows:

13 CROSS-EXAMINATION (Cont'd)

14 BY MS. MATZ:

15 Q All right. Good morning, Ms. Kebe.

16 A Good morning, Ms. Matz.

17 Q So yesterday when we ended, we were talking about the
18 video recording of the Lovely TI conversation. Do you recall
19 that?

20 A Yes, ma'am.

21 Q Okay. And you gave some testimony yesterday that
22 Ms. Lovely TI -- do you know Lovely TI's real name?

23 A It's Tope, I believe. I can't pronounce her last name
24 because it's Nigerian.

25 Q Okay. I'll call her Lovely TI.

1 A Yes, ma'am.

2 Q So we were talking about some of your conversations with
3 Lovely TI, and you gave some testimony that Lovely TI had said
4 to you prior to publication of the Starmarie Jones video, that
5 she had some information that would debunk her. Do you recall
6 that?

7 A Yes, ma'am, on the day that I recorded the interview, yes,
8 ma'am.

9 Q And that you didn't have a lot of information about what
10 that was. Do you recall that?

11 A Yes, ma'am.

12 Q Okay. But do you recall making a video where you said,
13 you know -- where you admitted that Lovely TI did tell you
14 that she had actually received receipts that the girl is
15 lying?

16 A Yes, ma'am.

17 MS. MATZ: Okay. I'd like to pull up Plaintiff's
18 606. Your Honor, this is Plaintiff's 606. This was admitted
19 by Request for Admission No. 109. And I --

20 MR. SABBAK: No objection, your Honor.

21 THE COURT: P-606 is admitted without objection.

22 (Whereupon, Plaintiff's Exhibit 606 was marked for
23 purposes of identification and admitted into evidence.)

24 MS. MATZ: And we're going to start at around 26 --
25 the 26-minute mark.

1 (Whereupon, a video recording was played.)

2 BY MS. MATZ:

3 Q Okay. So you admit in this video that you did at least
4 know that Lovely TI had receipts which you defined as some
5 kind of documentation that Starmarie was lying; correct?

6 A Yes, ma'am, to my knowledge.

7 Q All right. And you also made reference yesterday to
8 between the time you had the original conversation with Lovely
9 TI and the time when you had that recorded conversation. You
10 made reference to Lovely TI kind of changing her position. Do
11 you recall that?

12 A No. Can you help me to recall?

13 Q Well, yes. So you recall saying in the video that now
14 we -- Lovely TI who exploited Star -- actually, you know what,
15 let me show you the video. Let's pull up Exhibit 522.

16 And, your Honor, I'd offer this into evidence. It
17 has been admitted by stipulation, Request for Admission No. 4.

18 THE COURT: Any objection?

19 MS. IZMAYLOVA: No objection.

20 THE COURT: 522 is admitted without objection.

21 MS. MATZ: Thank you, your Honor.

22 (Whereupon, Plaintiff's Exhibit 522 was marked for
23 purposes of identification and admitted into evidence.)

24 MS. MATZ: And if we could start at around 6:44.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q All right. Let's pause. So in that statement you made
3 some reference to it changed when Lovely TI became friends
4 with Cardi?

5 A Yes, ma'am.

6 Q Okay. And that's -- and you said that's when all the
7 videos were pulled down?

8 A Yes, ma'am.

9 Q Were you referring to Lovely TI pulling down videos?

10 A Yes. She pulled down the initial video that Starmarie
11 talked about with -- you know, concerning her relationship
12 with your client, Cardi B, and all the fighting and stripping.
13 And so when Cardi B jumped --

14 Q So that's what you were referring to?

15 THE WITNESS: Can I explain?

16 MS. MATZ: I just asked what she was referring to.

17 THE COURT: Well, the problem generally is that she's
18 talking and you're talking, and there's no way the transcript
19 is going to reflect anything coherent. So why don't you start
20 your answer again. When she's finished, then you can ask her
21 to clarify. Okay?

22 THE WITNESS: Yes, sir. So the video that we're
23 talking about in this live stream here that you're watching is
24 about the initial video that went viral before I interviewed
25 Starmarie. But when I took the interview and me and Lovelyti

1 had planned, she said, hey, I received receipts that
2 counteract what she's saying. I did the interview to
3 elaborate more on the things that she said in her initial live
4 stream that went live. And so when Cardi B DM'd both of us,
5 she decided to side with Cardi B and take the initial video
6 down that she took viral back, got over 800,000 views that got
7 this entire campaign started.

8 BY MS. MATZ:

9 Q Okay. Thank you. I appreciate that.

10 A Yes, ma'am.

11 Q But in this video you said that you -- I wanted the money.
12 I have an agency that's watching me. They want to see certain
13 numbers every month. That's what you said?

14 A Yes, ma'am. We are a studio company, so that is why we're
15 in business, is to generate ratings, views, as well as money.
16 Otherwise, why am I on the internet doing stories? I don't
17 just do it for hobby.

18 Q So you're saying that you didn't pull the video down at
19 least in part because you wanted to leave it up so it would
20 continue to get views and ratings; correct?

21 A Yes, ma'am, because I believed --

22 Q Thank you.

23 A -- Starmarie's story. That's why I left my video up --

24 MS. MATZ: Move to strike, your Honor. I asked a yes
25 or no question.

1 THE COURT: So, ma'am, you're answering questions
2 that aren't asked. The why is not the question. The what is
3 the question. So I'm going to --

4 THE WITNESS: Yes, sir.

5 THE COURT: You've done it some yesterday as well.
6 It's not helpful. The Court strikes the response you've given
7 as being nonresponsive. So let me just ask you. You left it
8 up for ratings; is that correct?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay. So in the future when anybody asks
11 you questions, just give the answer to the question asked.

12 THE WITNESS: Yes, sir.

13 THE COURT: And understand you're going to have a
14 chance to answer questions from your lawyers as well.

15 THE WITNESS: Yes, sir.

16 THE COURT: I'm sure they're going to ask you things
17 that they think are important, and I'm sure you'll have some
18 influence on the questions they ask you as well. Okay?

19 THE WITNESS: Yes, sir.

20 THE COURT: Thank you.

21 BY MS. MATZ:

22 Q All right. You have also referred to my client as
23 #HerpesB in various social media posts; correct?

24 A Yes, ma'am.

25 Q Okay. If we can pull up plaintiff -- let me just -- if we

1 can pull up Plaintiff's 276. All right. Have you ever seen
2 this before?

3 A Yes, ma'am.

4 Q And is this a copy of a tweet that you sent out from your
5 unWinewithTashaK account on January 25th of 2019?

6 A Yes, ma'am.

7 MS. MATZ: Your Honor, I'd offer this into evidence.

8 MR. SABBAK: No objection.

9 THE COURT: Plaintiff's 276 is admitted without
10 objection.

11 (Whereupon, Plaintiff's Exhibit 276 was marked for
12 purposes of identification and admitted into evidence.)

13 THE WITNESS: Your Honor, the jury was trying to get
14 your attention, sir.

15 COURTROOM DEPUTY: It's not shown until it's
16 admitted. Thank you.

17 BY MS. MATZ:

18 Q All right. So in this below your handle you said, Awwh
19 @iamcardib. You see that?

20 A Yes, ma'am.

21 Q I thought we left you and your confirmed irritated p***y
22 in 2018. You see that?

23 A Yes, ma'am.

24 Q And what is the word with the stars in it that you were
25 trying to convey in this message?

1 A Pussy.

2 Q Okay. So you're saying I thought we left you and your
3 confirmed irritated pussy in 2018. But I see you're up to
4 your old ways again. I got word on what you're doing
5 #HerpesB. You see that?

6 A Yes, ma'am.

7 Q And you wrote that and defendants both published that on
8 January 25th of 2019?

9 A Yes, ma'am.

10 Q So yesterday when we were talking about the difference
11 between a hashtag and a -- and when you actually put someone's
12 handle in it, I just want to go over that with reference to
13 this message. So the #HerpesB is intended to mean that when
14 people search for that or something like that, this message
15 will come up; correct?

16 A Yes. But this was a direct to your client. We were
17 conversating.

18 Q Okay. Well, I was just wondering about the HerpesB, but I
19 was about to get to that. So thank you.

20 A Yes, ma'am.

21 Q So you also what's called tagged her, right, at the very
22 beginning when you said @iamcardib?

23 A Yes, ma'am.

24 Q Okay. And so that's when you were -- yesterday when we
25 were talking about the difference between a hashtag and when

1 you tag her actual username, the top part of this when you put
2 @iamcardib in blue, that means it actually is brought to her
3 attention through Twitter; correct?

4 A Yes, ma'am.

5 Q Okay. So it was directed at her so she would see it?

6 A Yes, ma'am.

7 THE COURT: Let me ask a question if I can, please.
8 But is it also publicly available for anyone to see who may be
9 on Twitter?

10 THE WITNESS: Yes, sir.

11 BY MS. MATZ:

12 Q All right. And just for time reference, you posted
13 this -- this was in January of 2019 which was months after you
14 received the first cease and desist letter from my client;
15 correct?

16 A Yes, ma'am.

17 Q In this also you talk about your -- excuse my language --
18 your confirmed irritated pussy. You see that?

19 A Yes, ma'am.

20 Q That has nothing to do with cold sores on someone's mouth;
21 correct?

22 A No, ma'am.

23 Q In February of 2019, shortly after this post, you received
24 a second letter from a lawyer representing my client; correct?

25 A Yes, ma'am.

1 Q And that letter was from my firm; correct?

2 A I believe so.

3 MS. MATZ: All right. If we could please pull up
4 Plaintiff's 233. And just while we are pulling this up for a
5 moment I would just, for the jury, let you know that the
6 parties have stipulated to the facts that on February 2018 --
7 excuse me -- February 28th, 2019, plaintiff's counsel sent
8 Kebe a demand letter to take down the September 19th video and
9 the September 21st video and retract the alleged defamatory
10 statements contained in the videos; that Kebe received the
11 February 28th, 2019, letter; and Kebe did not take down the
12 September 19th 2018 video, the September 21st, 2018, video or
13 issue any retractions.

14 All right. Have you ever seen this document before?

15 THE WITNESS: Yes, ma'am.

16 BY MS. MATZ:

17 Q All right. And is this a copy of the demand for
18 retraction that was sent to you by my firm?

19 A Yes, ma'am.

20 MS. MATZ: All right. Your Honor, I'd offer this
21 into evidence.

22 MR. SABBAK: No objection, your Honor. If I could
23 get an exhibit number.

24 THE COURT: 233. No objection?

25 MR. SABBAK: No objection.

1 THE COURT: 233 is admitted without objection.

2 MR. SABBAK: Thank you, sir.

3 MS. MATZ: Thank you, your Honor.

4 (Whereupon, Plaintiff's Exhibit 233 was marked for
5 purposes of identification and admitted into evidence.)

6 BY MS. MATZ:

7 Q All right. Did you look at this letter when it came in?

8 A I'm sorry. Could you repeat the question.

9 Q Did you read this letter when it came in?

10 A Yes, ma'am, I did.

11 Q Okay. And can you please read for the jury the defamatory
12 statements in the defamatory statements column that you were
13 being asked to retract.

14 A Just the statements alone or the titles with the
15 statements?

16 Q You can read the titles with the statements. That's fine.

17 A I guess title one, Cardi B disrespectful -- Cardi B
18 disrespectful comedy skit mocking Martin Luther King extra
19 marital affairs. Defamatory statement, that Ms. Almazar
20 prostituted for a living.

21 Number two, Exclusive: Cardi B's ex-friend alleges
22 Cardi B kept a huge box filled with Monistat and reveals more.
23 The defamatory statements are, you: You said that Cardi B
24 prostituted. Ms. Jones: Yes. You: Was a drug user.
25 Ms. Jones: Yes. You: Cocaine and molly to be specific.

1 Ms. Jones: Yes.

2 The third one, Exclusive: Cardi B's ex-friend
3 alleges Cardi B kept a huge box filled with Monistat and
4 reveals more. You: She has herpes? Ms. Jones: Yes.

5 Number four, Cardi B -- Exclusive: Cardi B's
6 ex-friend alleges Cardi B kept a huge box filled with Monistat
7 and more. So you, as in me: You were living with her at the
8 time she had herpes outbreaks on her mouth? Ms. Jones: Yes.

9 The next video, Actual proof Cardi B knew her
10 ex-roommate, Drake, Funky Dineva vs Tamar, Beyonce Black
11 Majic. Everything that we said, that everything that Star
12 said was accurate.

13 The last, this is a tweet. Awwh Cardi B I thought we
14 left your confirmed -- Awwh Cardi B I thought we left your
15 confirmed irritated pussy in 2018. But I see you're up to
16 your old ways again. I got word on what you're doing
17 #HerpesB. See y'all tonight. #YouTube, #unwinewithtashak,
18 #nowigottagobye. In particular, your reference to #HerpesB.

19 Q Thank you. In the next paragraph you see the line where
20 the letter advised, the above identified statements, defined
21 as the defamatory statements, are false and constitute
22 defamation per se as well as invasion of privacy placing our
23 client in a false light in the public eye.

24 You see that?

25 A Yes, ma'am.

1 Q And so you understood from this letter that plaintiff was
2 telling you that from her perspective these were false and
3 were defaming her; correct?

4 A Yes, ma'am.

5 Q Okay. And you also understand that you were being asked
6 to remove the videos from your YouTube channel, Twitter, and
7 any other social media platform website where you control your
8 content. You understood that; correct?

9 A Yes, ma'am.

10 Q And you were asked to issue a retraction and repudiation
11 of all of the defamatory statements in your next YouTube video
12 and on Twitter. Do you see that?

13 A Yes, ma'am.

14 Q Okay. And you were asked to comply with those items
15 within three days; is that correct?

16 A Yes, ma'am.

17 Q Okay. Did you comply with that within three days?

18 A No, ma'am.

19 Q Did you comply with all of those demands ever?

20 A Never.

21 Q All right. Do you recall testifying that -- do you recall
22 testifying that you don't know if our client has herpes or
23 anything like that?

24 A Yes, ma'am.

25 Q All right. And do you also recall testifying that you

1 used hashtags to provoke a reaction?

2 A Yes, ma'am.

3 Q Okay. And that sometimes you use hashtags like coldsoreB
4 or CardiB even if you're not talking about my client to create
5 traffic to the site?

6 A Yes, ma'am.

7 Q All right. So you use those hashtags because the B is
8 clearly in reference to my client; correct?

9 A Yes, ma'am.

10 Q And it's so that when people search for hashtags like
11 CardiB and similar things, it will drive traffic to your
12 Instagram, your Twitter, your YouTube; correct?

13 A Yes, ma'am.

14 Q And you do that sometimes even in instances when whatever
15 you're posting about has nothing to do with my client;
16 correct?

17 A Yes, ma'am.

18 Q And do you recall giving testimony that you had said that
19 you were going to call my client Cardi, and then when she
20 fucks up, pardon my French, I'm going to call her cold sore B?

21 A Yes, ma'am.

22 Q All right. And you also recall giving testimony that
23 those hashtags and your use of that was probably directed at
24 my client in videos?

25 A Yes, ma'am, it was.

1 Q All right. If we can look at Plaintiff's 943. All right.
2 Have you ever seen this document before?

3 A Yes, ma'am.

4 Q And is this a copy of -- actually, which social media
5 platform is this?

6 A Looks like Facebook, if I'm not mistaken.

7 Q Okay. And this is a copy of a post that you posted on
8 December 18th, 2018?

9 A Yes, ma'am.

10 Q All right. And are your -- all of your social media
11 accounts for the unWinewithTashaK platform, are they all
12 publicly available?

13 A Yes, ma'am.

14 Q Okay. So I wouldn't have to be friends with you in order
15 to go online and see the account -- the content you're
16 posting; correct?

17 A No, ma'am.

18 Q And that's the same for anyone in the world who has social
19 media. Because these accounts aren't private, they can see
20 everything you're posting; correct?

21 A Yes, ma'am.

22 MS. MATZ: Thank you. All right. Your Honor, I'd
23 offer this into evidence.

24 MR. SABBAK: No objection, sir.

25 THE COURT: No objection?

1 MR. SABBAK: No, sir.

2 THE COURT: Plaintiff's 943 is admitted without
3 objection.

4 (Whereupon, Plaintiff's Exhibit 943 was marked for
5 purposes of identification and admitted into evidence.)

6 BY MS. MATZ:

7 Q Okay. So in this post you're saying done Herpes B see you
8 in court; correct?

9 A Yes, ma'am.

10 Q And the Herpes B is again a reference to my client;
11 correct?

12 A Yes, ma'am.

13 Q Okay. And the photo underneath this is, you at least have
14 contended, a photo of my client; correct?

15 A Yes, ma'am.

16 Q And you found this photo on the internet; correct?

17 A Yes, ma'am.

18 Q And do you recall giving testimony that you don't know
19 where it came from or if it was edited in any respect?

20 A Yes, ma'am. It was on the internet but I am -- yes,
21 ma'am.

22 Q Thank you.

23 A Okay.

24 Q And earlier when you testified that or you recall giving
25 testimony that sometimes when you use Herpes B, you're looking

1 to get a reaction? Do you remember talking about that?

2 A Somewhat. Can you help me --

3 Q Yes. Do you recall giving testimony then when you were
4 asked what the reaction is, that you were looking for
5 engagement on a post?

6 A Can I see where that was said in the deposition so I can
7 recall?

8 Q Sure.

9 A Yes, ma'am.

10 Q Why don't we go ahead and look at the November 19th
11 deposition. I'll get you the page and line number. Okay.
12 Why don't you look at page 141 through -- sorry. Page 141,
13 line 14 through page 142 line 13.

14 A So start at 141, line 14, and I go all the way to 142 to
15 what number?

16 Q Line 13. If you could, go ahead and read it into the
17 record.

18 A Okay. Yes, ma'am. So page 141, November 19. And you've
19 also used -- this is you -- that as a hashtag to reference our
20 client in other posts; right? I said, yes, it depends on the
21 post. I probably was talking about somebody else and just
22 used Herpes B to get a reaction. But, yes, Herpes B does
23 reference Cardi B, yes. You said, okay. When you say it was
24 probably talking about somebody else and you used Herpes B to
25 get a reaction, I would just like to clarify that for a

1 moment. Are you saying the post might have been someone else,
2 but you were using Herpes B to drive traffic because that was
3 a reference to our client?

4 Answer, not to drive -- well, yes. Question, what's
5 the reaction you're looking for? A, me, answer, just
6 engagement on the post, that's all. Question, meaning that
7 you're hoping that the Herpes B reference to my client will
8 drive viewers to the post and your channels? I answered yes.

9 Q Okay. So when I was asking you about when you were
10 talking about getting a reaction, you meant engagement on a
11 post; correct?

12 A Yes, ma'am.

13 Q All right. And engagement on a social media post
14 generally consists of a few things, including people going to
15 the link in your bio based off of the post or commenting on
16 your post or liking the post; correct?

17 A Can you repeat that question again.

18 Q Sure. I just want to make sure I'm understanding what
19 you're talking about when you mean engagement. When you're
20 talking about engagement on a post, you mean people on the
21 internet other users of social media finding the post and then
22 interacting with it in some way, maybe going to the website
23 from the link in your bio or liking the post using the heart
24 button or something else or commenting on the post; correct?

25 A Yes, ma'am.

1 Q And the more -- isn't it true that the more engagement a
2 post gets, the more chance it is that it will show up in
3 someone else's news feed even if they weren't looking for you
4 specifically; right?

5 A Yes, ma'am.

6 Q Because the way -- at least in a general sense your
7 understanding is the way social medial algorithms work is that
8 people who are interested in certain types of topics will get
9 fed posts with high engagement; correct?

10 A Yes, ma'am.

11 Q Thank you. Okay. Do you also recall giving testimony
12 that you have used Herpes B enough times in direct reference
13 to my client that you would expect all of your viewers to know
14 every time you use that that you are referencing my client?

15 A Yes, ma'am.

16 Q Okay. Have you ever seen a photo of my client from when
17 she was younger?

18 A Yes, ma'am.

19 MS. MATZ: Okay. All right. If we can, please pull
20 up plaintiff's -- I'm sorry. I believe I offered this into
21 evidence already.

22 THE COURT: The one you were just looking at, yes.

23 MS. MATZ: Okay. Thank you, your Honor. Can we
24 please pull up Plaintiff's 549. I have not offered it yet.

25 And, your Honor, I will submit that Plaintiff's 549 has been

1 stipulated to by Request for Admission No. 43, and I'd offer
2 it into evidence.

3 MR. SABBAK: No objection, your Honor.

4 THE COURT: 549 is admitted without objection.

5 (Whereupon, Plaintiff's Exhibit 549 was marked for
6 purposes of identification and admitted into evidence.)

7 MS. MATZ: Okay. We're going to look at a clip
8 around 39:19.

9 (Whereupon, a video recording was played.)

10 BY MS. MATZ:

11 Q All right. If we can pause there, please. Do you recall
12 making that statement in that video?

13 A Yes, ma'am.

14 Q Okay. And when you were saying, well, bitch, you are my
15 content, you're my motherfucking content, when you said that,
16 you were referring to my client; correct?

17 A Yes, ma'am.

18 Q Okay. And if we could actually pull Plaintiff's 941 back
19 up for a moment. All right. Do you recall giving testimony
20 that when you were using the hashtag HerpesB, admitting that
21 the implication of this post is that you're saying our client
22 has herpes?

23 A Yes, ma'am.

24 Q Okay. And when you were -- do you also recall that when
25 you were being questioned about responding to her through the

1 @ symbol tag and hashtagging her, that you when you were asked
2 why use the hashtag as opposed to just responding to her and
3 tagging her with that iamcardib, you said because it's
4 entertaining and it irritates her?

5 A Yes, ma'am.

6 Q And that was from your deposition; correct?

7 A I believe so, yes, ma'am.

8 Q All right. Do you also recall testifying that when you
9 were asked whether or not you know it upsets our client when
10 you hashtag her HerpesB saying she has herpes, you testified
11 yes?

12 A Yes, ma'am.

13 Q Okay. And you also recall during your deposition that you
14 were asked if you were doing it intentionally to upset her,
15 and you said yes?

16 A Yes, ma'am.

17 Q All right. If we could pull up Plaintiff's 264 now. Have
18 you ever seen this document before?

19 A What was the question?

20 Q I asked if you've ever seen this document before.

21 A Yes, ma'am.

22 Q And is this a post that you authored on November 7th of
23 2019?

24 A Yes, ma'am.

25 Q Okay. And do you know what platform you posted this on?

1 A It looks like Twitter.

2 Q Okay. And at the bottom of the page there where it says
3 Retweets, that would indicate that it's Twitter; correct?

4 A Yes, ma'am.

5 MS. MATZ: Your Honor, I'd offer this into evidence.

6 MR. SABBAK: No objection, sir.

7 THE COURT: Plaintiff's 264 is admitted without
8 objection.

9 MS. MATZ: Thank you, your Honor.

10 (Whereupon, Plaintiff's Exhibit 264 was marked for
11 purposes of identification and admitted into evidence.)

12 BY MS. MATZ:

13 Q So when you published this on Twitter, in this you used
14 the hashtag ColdSoreB. Do you see that?

15 A Yes, ma'am.

16 Q And you've also used that hashtag in addition to HerpesB
17 multiple times to refer to my client; correct?

18 A Yes, ma'am.

19 Q Okay. Do you recall giving testimony during your
20 deposition that in this case that your attorneys told you
21 about the medical records that were produced by my client?

22 A Yes, ma'am.

23 Q So you were aware during this lawsuit that there were
24 medical records produced by my client regarding HPV and herpes
25 results; correct?

1 A Just the herpes, not HPV.

2 Q Okay. All right. Let's go to -- oh, I'm sorry. I have
3 one other question about this. Just so we can explain to the
4 jury what this is, at the bottom when it said 133 Retweets and
5 553 Likes, do you see that?

6 A Yes, ma'am.

7 Q A like is when someone uses the feature of that particular
8 social media platform to indicate that they like a post; is
9 that correct?

10 A That is correct.

11 Q And that is one of the factors that drives up engagement,
12 which we were talking about earlier; correct?

13 A That is correct.

14 Q Okay. And retweets, particular to Twitter, is when
15 someone hits the retweet button when they see your post and
16 then it actually publishes to all of their followers as well;
17 correct?

18 A That is correct.

19 Q Okay. And, on Twitter at least, when someone retweets a
20 post, that is also one of the factors that drives engagement
21 up with respect to any particular post; correct?

22 A That is correct.

23 Q And so at least with respect to this particular post, at
24 the time this was taken November -- actually, at the time this
25 was taken, it had 133 retweets; correct?

1 A Yes, ma'am.

2 Q So that's saying that 133 people had then hit the button
3 to then share this with all of their followers as well?

4 A No, ma'am. When they like it, they just like it. When
5 they retweet it, is when they share it to their followers.

6 Q I believe I said retweet. But let me ask the question
7 again.

8 A I'm sorry. Okay.

9 Q What I said was when -- so in this particular post 133
10 people, when they hit retweet, have then published this post
11 again to all of their followers; correct?

12 A Yes, ma'am.

13 Q Okay.

14 A Okay. I got the likes and the retweets confused because
15 normally the likes is first and the retweets are second.

16 Q Okay. When someone likes a post on social media, will
17 that also drive up engagement that it might be then fed to
18 their friends because it's something that they like?

19 A It could be, yes, ma'am.

20 Q Okay. Thank you. If we could please pull up Plaintiff's
21 286 for a moment. All right. Do you see these two posts?

22 A Yes, ma'am.

23 Q And did these come from your Twitter account? You posted
24 these two tweets?

25 A Yes, ma'am.

1 Q Okay. And they both have dates on them of September 21st?

2 A Yes, ma'am.

3 MS. MATZ: Okay. And that September 21st date --
4 well, first, your Honor, I'd offer these into evidence.

5 THE COURT: The number is what again?

6 MS. MATZ: It is Plaintiff's 286.

7 THE COURT: Any objection?

8 MR. SABBAK: No, sir.

9 THE COURT: No objection?

10 MR. SABBAK: No, sir.

11 THE COURT: Thank you. It's admitted without
12 objection.

13 MS. MATZ: Thank you.

14 (Whereupon, Plaintiff's Exhibit 286 was marked for
15 purposes of identification and admitted into evidence.)

16 BY MS. MATZ:

17 Q So the screenshots of these two tweets, the first thing
18 I'd like to just talk about is the date for a minute. Based
19 on the content of these tweets where it says September 21st
20 and you're talking about deleting your Cardi drag, are these
21 around the September date of the publication of the
22 videos about Starmarie -- the Starmarie Jones video?

23 A I'm not sure because there's no, I guess, year.

24 Q Okay.

25 A This had been going on since 2018, so I don't know exactly

1 when these were posted. Then I could tell you.

2 Q Right. Well, when you say in here, yo, I'm deleting my
3 Cardi drag in one hour, it's on my backup channel titled
4 winogang, I know y'all are enjoying the show -- you see that?

5 A Yes, ma'am.

6 Q Winogang, is that the backup channel?

7 A Yes. It's my second YouTube channel.

8 Q Okay. And do you post all of your content there or just
9 some?

10 A Just some.

11 Q Okay. And do you recall deleting a video and posting it
12 on your backup channel specifically about my client?

13 A Yes.

14 Q Okay. And do you know which video that was?

15 A Not particular to this post, no. There's so many.

16 Q So there's been multiple times you've taken a video off of
17 your main channel and then republished it on your backup
18 channel?

19 A Say that again.

20 Q I said there's been many times you've taken a video off of
21 your main channel and republished it on your backup channel?

22 A About Cardi?

23 Q Yeah.

24 A No, ma'am.

25 Q I'm sorry. Isn't that what you've just testified?

1 A No, ma'am.

2 Q So there have not been many instances where you've done
3 this?

4 A No, ma'am.

5 Q But you can't recall the instance where you did do this?

6 A No, ma'am.

7 Q Okay. You also say here, hey, Winos, I had to delete the
8 posts. They were being taken down by IG for bullying. I'm
9 sure the other blogs got screenshots. You see that?

10 A Yes, ma'am.

11 Q So the posts you were taking down were taken down by
12 Instagram. That's the IG reference; correct?

13 A Yes, ma'am.

14 Q For bullying?

15 A Yes, ma'am.

16 Q Okay. This wasn't the only time you got deleted on
17 Instagram; correct?

18 A No, ma'am.

19 Q Okay. You also got deleted on Instagram in October of
20 2018; is that correct?

21 A I believe so. I don't know the exact date.

22 Q All right. If we could take a look at Plaintiff's 853.
23 All right. Have you ever seen this before?

24 A Yes, ma'am.

25 Q And this is a copy of a social media post that you posted

1 on October 11th of 2018; is that correct?

2 A Yes, ma'am.

3 MS. MATZ: Your Honor, I'd offer this into evidence.

4 THE COURT: Any objection?

5 MR. SABBAK: No, your Honor.

6 THE COURT: Plaintiff's 853 is admitted without
7 objection.

8 (Whereupon, Plaintiff's Exhibit 853 was marked for
9 purposes of identification and admitted into evidence.)

10 BY MS. MATZ:

11 Q All right. So do you know which platform this was?

12 A I can't tell. Okay. Twitter. I looked at the handle.

13 Q Okay. So on this you said, PSA Winos with a wine glass.
14 Do you see that?

15 A Yes, ma'am.

16 Q And #PSA, is that meant to reference public service
17 announcement?

18 A Yes, ma'am.

19 Q Okay. And then you say winos. Is winos the name that
20 you've given to your followers?

21 A They came up with it.

22 Q But it's how you refer to them now?

23 A Yes, ma'am.

24 Q Okay. And then you said, we got deleted again on
25 Instagram for not following the rules. You see that?

1 A Yes, ma'am.

2 Q Okay. Then you said, sorry, however, and then a wine
3 glass, is still being served on Instagram via
4 iamunwinewithtashak. Do you see that?

5 A Yes, ma'am.

6 Q So is this you indicating to your followers that even
7 though your other account was being deleted by Instagram, they
8 could find your content on a new account and giving them that
9 information?

10 A Yes, ma'am.

11 Q Have there been more than two instances where you were
12 deleted by Instagram?

13 A Yes, ma'am. I believe three, if I'm not mistaken.

14 Q Okay. All right. So yesterday we watched the Starmarie
15 video and the video that you posted earlier in September, as
16 well as clips from a couple of other videos that you posted
17 shortly after the Starmarie video. Do you remember that?

18 A Yes. Yes, ma'am.

19 Q And those were all posted in September of 2018; correct?

20 A I believe some of them.

21 Q All right. If we could please pull up Plaintiff's 370.
22 All right. Have you ever seen this document before?

23 A Yes, ma'am.

24 Q Okay. And is this a Facebook post from your TashaK
25 Facebook account?

1 A Yes, ma'am.

2 Q It was published on October 24th of 2018?

3 A Yes, ma'am.

4 Q And you authored this post; correct?

5 A Yes, ma'am.

6 MS. MATZ: Your Honor, I'd offer this into evidence.

7 MR. SABBAK: No objection, your Honor. Exhibit
8 number, please?

9 THE COURT: 370. 370 is admitted without objection.

10 MR. SABBAK: Thank you, sir.

11 (Whereupon, Plaintiff's Exhibit 370 was marked for
12 purposes of identification and admitted into evidence.)

13 BY MS. MATZ:

14 Q Okay. So this was posted several weeks after all of the
15 videos that we watched yesterday where you were discussing my
16 client; correct?

17 A Yes, ma'am.

18 Q Okay. And in this you say -- actually, can you read the
19 post into the record, please.

20 A Sure. PSA Winos, I want us to personally thank #YOUTUBE
21 for believing in our channel. They have personally reached
22 out to work with me over the next eight months to come up with
23 ways to improve our channels performance. They are impressed
24 with the organic traffic we've built since the beginning and
25 look forward to helping us grow more.

1 They have seen a 340 percent increase in traffic over
2 the last 90 days and want to help us triple that. I will keep
3 you updated on the new improvements over the next eight
4 months. Road to 500k. We're breaking wine bottles out here.
5 New video on the channel as well. Here is the link. Now grab
6 your glass. #unwinewithtashak, #nowigottagobye.

7 Q Okay. So in this post when you said they've seen a
8 340 percent increase in traffic over the last 90 days, you're
9 talking about roughly August, September, and October of 2018;
10 correct?

11 A I believe July, August, and September, yes, ma'am.

12 Q The end of July or you think the full month of July?

13 A Probably the full month because we're kind of in arrears.
14 Okay. Yes, ma'am.

15 Q So July, August, and September of 2018?

16 A Yes, ma'am.

17 Q September also being the month when you posted all of
18 those videos about my client; correct?

19 A Yes, ma'am.

20 Q Thank you. Okay. Also, in October of 2018 -- well,
21 actually, withdrawn. If we can pull up Plaintiff's 250. If
22 you could just zoom in so she can read it. Have you ever seen
23 this before?

24 MS. IZMAYLOVA: Your Honor, can I approach?

25 THE COURT: Sure. Thank you.

1 THE WITNESS: May I grab some water?

2 THE COURT: Sure. Mr. Sabbak, if you can bring your
3 client some water.

4 (Whereupon, a bench conference was held between the
5 Court and counsel.)

6 MS. IZMAYLOVA: I don't know for sure, but I think
7 that this line of questioning is about to go down into
8 potentially her husband cheating, which has been ruled out as
9 of, you know, by -- in the pretrial conference.

10 THE COURT: Why would you really care about that
11 because it was their motion to keep it out, not yours. I
12 mean, they can open the door to something they sought to keep
13 out; right?

14 MS. IZMAYLOVA: I just wanted to --

15 THE COURT: We'll see if it happens.

16 MS. IZMAYLOVA: They said we couldn't bring any in.

17 THE COURT: Sure. Sure. And if they bring it up,
18 they may be opening the door to something. I don't know. It
19 depends on what comes out.

20 MS. IZMAYLOVA: I wanted to make sure.

21 THE COURT: Thank you.

22 (Whereupon, the following proceedings continued in
23 open court.)

24 MS. MATZ: Your Honor, may I have one moment?

25 THE COURT: Sure.

1 (Brief Pause.)

2 MS. MATZ: Thank you, your Honor.

3 All right. If we could take a look at Plaintiff's
4 250, I believe the question I had asked was if you've ever
5 seen a copy of this.

6 THE WITNESS: Yes, ma'am.

7 BY MS. MATZ:

8 Q Okay. And is this a copy of a tweet that you authored on
9 October 5th of 2018?

10 A Yes, ma'am.

11 MS. MATZ: Okay. Your Honor, I'd offer this in
12 evidence.

13 THE COURT: Any objection?

14 MR. SABBAK: No objection, your Honor.

15 THE COURT: 250 is admitted without objection.

16 (Whereupon, Plaintiff's Exhibit 250 was marked for
17 purposes of identification and admitted into evidence.)

18 BY MS. MATZ:

19 Q Okay. And in this tweet you wrote PSA Winos. Do you see
20 that?

21 A Yes, ma'am.

22 Q And again that's public service announcement?

23 A Yes, ma'am.

24 Q Okay. And that hashtag, again just for the jury to
25 understand, that means that anyone who's searching PSA might

1 find this; correct?

2 A Yes, ma'am.

3 Q Okay. This says, the DM's sent to me by one of Cardi's
4 alleged friends was a hoax in order to attempt to discredit my
5 blog. That will never happen because I expose everything.
6 ESP if it's a lie. Do you see that?

7 A Yes, ma'am.

8 Q And ESP there is meant to be a shorthand for especially;
9 correct?

10 A Yes, ma'am.

11 Q Okay. So what you're conveying to followers or people who
12 could find this publicly, is that that will never happen again
13 because you expose everything, especially if it's a lie;
14 correct?

15 A Can you repeat that question, please.

16 Q Actually, you know what, I'll withdraw it. The exhibit is
17 in evidence.

18 All right. One of the statements that you had made
19 or that was made in the Starmarie video and Starmarie Jones
20 interview and in the earlier September video that we viewed
21 yesterday, was that my client was a prostitute; correct?

22 A Yes, ma'am.

23 Q Okay. And those two videos are not the only time you've
24 said that; correct?

25 A No, ma'am.

1 Q Okay. Could we pull up Cardi Video 34, please. Actually,
2 I apologize. Do you have an exhibit number? You know what,
3 we'll move on to something else and come back to this while we
4 get that. Can we pull up Plaintiff's --

5 THE COURT: Before you do, you referred to it as
6 Cardi Video 34. Is there a separate list other than your
7 overall exhibit list?

8 MS. MATZ: Your Honor, we had referred to the Bates
9 numbers in some of our outlines.

10 THE COURT: Okay. As far as exhibit list, I mean, is
11 this -- if you were going to publish this video, has it been
12 admitted already?

13 MS. MATZ: No, it hasn't, and I would authenticate
14 it. But we'll -- I'll find it.

15 THE COURT: I was just trying to find it to be ready.

16 MS. MATZ: No, I'm going to come back to it.

17 All right. Plaintiff's 583 if we can do that.

18 Okay. You also recall making statements that my
19 client stuck beer bottles up her vagina; correct?

20 THE WITNESS: Yes, ma'am.

21 MS. MATZ: All right. Can we please look at
22 Plaintiff's 583 for a moment.

23 And, your Honor, for Plaintiff's 583 this has been
24 stipulated to by Request for Admission 85.

25 THE COURT: Any objection to the admission of this

1 video?

2 MR. SABBAK: No objection, sir.

3 THE COURT: It's admitted without objection.

4 (Whereupon, Plaintiff's Exhibit 583 was marked for
5 purposes of identification and admitted into evidence.)

6 MS. MATZ: All right. And I'd just like to read one
7 stipulated fact into the record quickly. And that is that, on
8 April 23rd of 2019 the defendants, plural, published a video
9 on YouTube. And that is the 4-23-2019 video.

10 All right. We're going to take a look at this
11 beginning at approximately 22 minutes and 40 seconds.

12 (Whereupon, a video recording was played.)

13 BY MS. MATZ:

14 Q All right. Do you recall giving testimony regarding this
15 video during your deposition?

16 A Yes, ma'am.

17 Q Okay. And what you were referring to in that video when
18 you were saying she took a beer bottle from the pedestrian,
19 stuck it in her cooch, drank the beer bottle, and gave it back
20 to him, you were referring to a video that you claim you saw
21 on the internet; correct?

22 A Yes, ma'am.

23 Q Okay. And do you recall testifying that the video you
24 were referring to, you found it on Pornhub; is that correct?

25 A Yes, ma'am.

1 Q Okay. And do you recall also admitting during your
2 deposition that the Pornhub video, you don't know who made it
3 or where it came from; is that correct?

4 A Yes, ma'am.

5 Q Okay. And you have no idea if someone made changes to it;
6 is that correct?

7 A Yes, ma'am.

8 Q You also have no idea if it was actually my client; is
9 that correct?

10 A Yes, ma'am.

11 Q And you also had no idea whether or not the video that you
12 saw on the internet was edited in any way?

13 A Yes, ma'am.

14 Q All right. But based on viewing it, you made the
15 statements in this video; is that correct?

16 A Yes, ma'am.

17 Q And do you also recall when you were being questioned
18 about this during your deposition, that you were aware that
19 there's a lot of false information on the internet?

20 A Yes, ma'am.

21 Q All right. Your answer during the deposition was yes of
22 course; correct?

23 A Yes, ma'am.

24 Q All right. And do you also recall testifying that you
25 were aware that videos and photos and things like that can be

1 edited to make something appear as if it's happening when it's
2 not?

3 A Yes, ma'am.

4 Q And you don't know who produced the video that you saw on
5 Pornhub; correct?

6 A No, ma'am.

7 Q And there were no credits in it, anything like that?

8 A There was a title.

9 Q I asked if there were any credits.

10 A That's a credit.

11 Q Well, during your deposition when you were asked if there
12 are any credits, you testified, no, ma'am, not that I noticed.
13 Isn't that true?

14 A It's a title.

15 Q Okay. Let's --

16 THE COURT: So the question wasn't -- the question
17 was what you said. Why don't you show her a copy of her
18 deposition to make sure.

19 MS. MATZ: That's what I was just going to do, your
20 Honor. Thank you.

21 THE COURT: Answer the question that is asked, not
22 what you want to have been asked.

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. I'm really getting tired of
25 you doing that. So don't do it again.

1 THE WITNESS: Okay.

2 THE COURT: It's not helpful to anybody. It delays
3 the trial. It causes sometimes an objection to be made,
4 causes me to be concerned. So stop doing it.

5 THE WITNESS: Yes, sir.

6 BY MS. MATZ:

7 Q All right. If you could please look at your November 30th
8 deposition transcript. Give me one moment, and I'll get you
9 the page number. Okay. If you could please go to page 82,
10 I'm going to direct your attention -- let me know when you're
11 at the page.

12 A I'm sorry?

13 Q I said let me know when you're at the page.

14 A Yes, I'm here.

15 Q On line 20 you were asked, okay, so you don't know who it
16 was produced by. Were there any credits in the video?
17 Answer, no, ma'am. Not that I noticed.

18 Is that the testimony you gave?

19 A Yes, ma'am.

20 Q Okay. Are you saying that that testimony is untrue?

21 A No, ma'am.

22 Q Okay. Thank you. All right. And with regards to how you
23 found this video on Pornhub, do you recall giving testimony
24 that someone had sent it to you?

25 A Yes, ma'am.

1 Q And do you recall not knowing who that was?

2 A Yes, ma'am.

3 Q Okay. You recall giving testimony that it's your
4 understanding that Pornhub is a free forum where anyone can
5 upload and start an account?

6 A Yes, ma'am.

7 Q Okay. And that you went to Pornhub to see the video that
8 had been floating around; is that correct?

9 A Yes, ma'am.

10 Q All right. And so you also recall giving testimony, when
11 you said anyone can have an account, that that meant literally
12 anyone, you, me, anyone could have an account and upload
13 videos. That's your understanding; correct?

14 A Yes, ma'am.

15 Q Okay. And do you recall testifying that you had no idea
16 whether or not Pornhub does any kind of verification about who
17 is in the videos?

18 A Yes, ma'am.

19 Q Yes, you recall giving that testimony?

20 A Yes, ma'am.

21 Q All right. Do you also recall indicating that, in
22 response to being questioned about whether or not you had any
23 understanding of what, if anything, Pornhub was doing to
24 verify information, that you testified that, after you said
25 you didn't know, you also testified that you've seen underaged

1 girls on the site. So, yeah, do you recall giving that
2 testimony?

3 MR. SABBAK: Objection. Relevance.

4 THE COURT: Objection is overruled.

5 THE WITNESS: Can you repeat the question?

6 BY MS. MATZ:

7 Q Sure. I said, in response to being questioned about
8 whether or not you knew whether or not Pornhub did any
9 verification, if any, on their site, after you said you did
10 not know if they did, you also said, I mean, I've seen
11 underaged girls on that site. And they say they -- you
12 know -- so, yeah.

13 Do you recall that?

14 A Yes, ma'am.

15 Q Okay. And do you also recall when you were asked whether
16 you think they probably don't do any verification, you said,
17 yeah, but I've never go -- gone through the process myself; is
18 that correct?

19 A Yes, ma'am.

20 Q And you also recall testifying that you did not make any
21 effort to find out what Pornhub does regarding their
22 verification process, if there is one; correct?

23 A Yes, ma'am.

24 Q All right. Do you also recall admitting that you have no
25 idea or you have no way of knowing whether or not it's my

1 client in the video you saw?

2 A Yes, ma'am.

3 Q Do you know who Luna Bell is?

4 A No, ma'am.

5 Q Were you aware at any time prior to the publication of the
6 video or after, of other people on the internet saying that it
7 was actually them in the video, not my client?

8 A No, ma'am.

9 Q Okay. You have admitted, though, that my client has never
10 said it was her in the video; correct?

11 A Yes, ma'am.

12 Q You have also admitted that you never asked my client if
13 it was her in the video; correct?

14 A Yes, ma'am.

15 Q All right. Do you recall giving testimony that you looked
16 to see if my client had made any public statements about this
17 video?

18 A Yes, ma'am.

19 Q Okay. And do you recall giving testimony that normally if
20 it isn't her, referencing my client, she's known to try to
21 shut it down, but in this case you're saying you didn't see
22 her respond? Do you recall giving that testimony?

23 A Yes, ma'am.

24 Q All right. And do you recall testifying that my client,
25 meaning Cardi B, is known for making statements on Twitter?

1 And you agree with that; correct?

2 A Yes, ma'am.

3 Q And you generally follow her socials; is that correct?

4 A Yes, ma'am.

5 Q And do you recall when you were questioned about this
6 particular video at your deposition, when I asked you if you
7 actually looked at any of my client's social media channels to
8 see if she had made statements about this, you testified, no,
9 I did not look at her social media, just only on Google? Do
10 you recall that?

11 A Yes, ma'am.

12 Q So even though you knew that my client would typically, if
13 something wasn't her or she disagreed with something, make a
14 statement on her social media, you didn't actually look there
15 before you published this video; correct?

16 A Yes, ma'am.

17 Q You have, though, seen statements from my client in her
18 Twitter saying that this was not her in the video; correct?

19 A Yes, ma'am.

20 Q All right. And you saw those during the course of this
21 litigation; is that correct?

22 A Yes, ma'am.

23 Q All right. I'd like to take a look at I'd like to take a
24 look at Plaintiff's 942, please. Have you ever seen these
25 tweets before?

1 THE COURT: I'm assuming y'all are trying to reorient
2 it?

3 MS. MATZ: Yes, your Honor. Actually, just give us a
4 second.

5 THE COURT: Let's just wait for you to orient it.

6 (Brief Pause.)

7 BY MS. MATZ:

8 Q All right. Have you ever seen these tweets before?

9 A Yes, ma'am.

10 Q And it's your understanding the iamcardib is my client's
11 Twitter handle?

12 A Yes, ma'am.

13 MS. MATZ: Your Honor, I'd offer these into evidence.

14 MR. SABBAK: No objection.

15 THE COURT: All right. 9 -- I'm sorry. Is it 42 or
16 22? 42?

17 MS. MATZ: 942, your Honor.

18 THE COURT: 942 is admitted without objection.

19 (Whereupon, Plaintiff's Exhibit 942 was marked for
20 purposes of identification and admitted into evidence.)

21 BY MS. MATZ:

22 Q Okay. And are these the tweets that you have seen from my
23 client saying that it's not her in that video?

24 A Yes, ma'am.

25 Q All right. Even though you have seen these after the time

1 you saw these during the course of this litigation, you still
2 have not taken the videos you posted saying my client stuck
3 beer bottles up her vagina down; correct?

4 A Yes, ma'am.

5 Q All right. And in the second tweet on this page, okay,
6 you can see my client is telling you not to or saying not --
7 excuse me, not telling you -- let me start that over. You can
8 see that my client is saying not to spread fake shit about
9 her; correct?

10 A Yes, ma'am.

11 Q Okay. And these were published on May 2nd of 2018?

12 A Yes, ma'am.

13 Q Okay. And the video we just looked at, that was the
14 April 23rd, 2019, video that I read the stipulated facts for;
15 correct?

16 A Yes, ma'am.

17 Q So these would have been available had you looked for them
18 on the internet; correct?

19 A Yes, ma'am.

20 Q And these weren't just on my client's social media, you're
21 also aware that there were actually news articles written
22 about the fact that this was not my client in the video;
23 correct?

24 A Yes, ma'am.

25 Q Okay. And you recall seeing a BET.com article?

1 A Yes, ma'am.

2 Q All right. If we can pull up Plaintiff's 247. Hold on
3 one moment. Okay. Have you ever seen this before?

4 A Not this article, no, ma'am.

5 Q Okay. You said you've seen a BET article but not this
6 one?

7 A The first line on the page.

8 Q What do you mean the first line on the page?

9 A May I elaborate? I didn't read the article. I just saw
10 the headline when I googled it.

11 Q Oh. You saw a Google result for this, but you didn't
12 click on it or read it?

13 A That is correct.

14 Q Okay. All right. But when you say the first line on the
15 page, is that the title of the article?

16 A Yes, ma'am.

17 Q All right. So you acknowledge on a Google result you have
18 seen an article that was titled, "No, That Disturbing Video of
19 a Stripper with a Beer Bottle is Not Cardi B," correct?

20 A I believe so.

21 Q Okay. Thank you. All right. We can go ahead and take it
22 down.

23 All right. Okay. And do you recall giving testimony
24 about you said that you didn't look on my client's social
25 media, but you did google the video?

1 A Yes, ma'am.

2 Q Okay. And do you recall during your deposition looking at
3 some Google results?

4 A Yes, ma'am.

5 Q Okay. And do you recall that one of the -- that you
6 gave -- you gave me during the deposition the search terms
7 that you believed that you used when you googled this; is that
8 correct?

9 A Yes, ma'am.

10 Q Do you recall what those search terms were?

11 A Some article came up.

12 Q No, I just asked you if you recall what the search terms
13 were.

14 A No, ma'am.

15 Q Okay. If we could look at your November 30th deposition
16 transcript for a moment, and if you could go to, please, page
17 111.

18 A You said 111?

19 Q Yeah, page 111 of the November 30th transcript.

20 A I'm here.

21 Q Okay. So beginning at line 6 you were asked, okay, do you
22 remember what you googled? Answer, I just put in, you, know
23 Cardi B dancing on -- you know, Cardi B stripping on beer
24 bottle, and it comes right up. You see that?

25 A Yes, ma'am.

1 Q Okay. Does that refresh your recollection about the
2 search terms you used?

3 A Yes, ma'am.

4 Q And do you recall looking at Google search results during
5 your deposition using the Cardi B stripping on beer bottle
6 search terms?

7 A Yes, ma'am.

8 Q Okay. And are those -- were those results that we looked
9 at during your deposition when you saw the BET article that we
10 were talking about -- excuse me -- the result with the title
11 of the BET article?

12 A I believe so, yes, ma'am.

13 MS. MATZ: Okay. Your Honor, I'm going to move on to
14 a different line of questioning, and I don't really know what
15 time you were planning on --

16 THE COURT: I was about to call a break, so if you're
17 ready, we'll do that.

18 Ladies and gentlemen, we'll take a break until 11:10.
19 We'll come back at 11:10 and probably go until about 12:30 and
20 break for lunch at 12:30. So if you'll can leave your notes
21 in your chair or take them with you, at your wish, we'll see
22 you in about ten minutes.

23 COURTROOM SECURITY OFFICER: All rise.

24 (Whereupon, the jurors exited the courtroom.)

25 THE COURT: Anything we need to talk about during the

1 break?

2 MS. IZMAYLOVA: Not from us, your Honor.

3 THE COURT: All right. See y'all at 11:10.

4 MS. MATZ: Thank you, your Honor.

5 COURTROOM SECURITY OFFICER: Court is in recess until
6 11:10.

7 (Brief recess.)

8 THE COURT: All right. You can proceed. Thank you.

9 BY MS. MATZ:

10 Q All right. If we could actually -- I have one more
11 question to ask you about -- two more questions to ask you.
12 But the video that we just watched, if we could go back to
13 Plaintiff's 583, please, and we're going to start again at
14 approximately 22 minutes and 40 seconds. And this was already
15 admitted, your Honor.

16 (Whereupon, a video recording was played.)

17 BY MS. MATZ:

18 Q All right. Can we pause for a moment. All right.
19 Ms. Kebe, during your deposition do you remember giving
20 testimony that there's different ways that you receive
21 advertising revenue from the videos that you post on YouTube?

22 A Yes, ma'am.

23 Q Okay. And I just want to talk briefly about a couple of
24 those ways. One of those ways is that you receive advertising
25 revenue from YouTube from the ads that YouTube places before

1 your video airs; correct?

2 A Yes, ma'am.

3 Q Okay. And this, what we're looking at on the screen, is
4 not an example of that; right?

5 A No, ma'am.

6 Q An example of that would be when you go to watch a YouTube
7 video, for the first four seconds some random ad pops up, and
8 then at some point you can skip it; is that right?

9 A Yes, ma'am.

10 Q And you don't decide what advertising goes in there. In
11 the ones in the beginning that Google puts in, Google just
12 puts them in, and you receive a portion of the revenue;
13 correct?

14 A Yes, ma'am.

15 Q You also testified that you receive advertising directly
16 from advertisers that contract with you; correct?

17 A Yes, ma'am.

18 Q Okay. And is what we're looking at here an example of you
19 placing those advertisements in your video for the advertisers
20 that pay you directly?

21 A Yes, ma'am.

22 Q Okay. And so they pay you to essentially air their ad
23 during a portion of your show, like what we're talking about
24 here; correct?

25 A Yes, ma'am.

1 Q And they -- the part behind the Offset and trouble ticker
2 along the bottom with my client's image, the part behind that
3 is what they've provided to you; correct?

4 A Yes, ma'am.

5 Q And you imposed on whatever image they gave to you the
6 ticker along the bottom and my client's image over here on the
7 right-hand side; correct?

8 A Yes, ma'am.

9 Q Okay. So this is being advertised while you're talking
10 about my client and her image is being displayed on the
11 screen; is that correct?

12 A Yes, ma'am.

13 Q Okay. And is that -- do you have a lot of advertisers
14 that engage with you in this way?

15 A Yes, ma'am.

16 Q And do you typically place their advertisements during
17 these -- this type of video?

18 A No, ma'am.

19 Q No. You just did it on this one?

20 A Yes, ma'am.

21 Q Did the advertiser know ahead of time that you'd be
22 placing their video while you were doing a segment about my
23 client?

24 A No, ma'am.

25 Q You made that decision; is that correct?

1 A Yes, ma'am.

2 Q I'm sorry. I didn't hear the answer.

3 A Yes, ma'am.

4 Q Okay. Thank you. All right. And the video we just
5 watched where you were talking about my client being --

6 THE COURT: Hold on a second. Just to eliminate that
7 happening, why don't you pull your mike closer to you. So if
8 you'll just grab the mike stand and pull the whole thing over
9 and then take the -- look at me -- take it and sort of bend it
10 up so that it's kind of like almost underneath your --

11 THE WITNESS: The plexiglass is tricking me.

12 THE COURT: Pull the mike, and you can lower it a
13 little bit.

14 THE WITNESS: How's that? Is that good?

15 THE COURT: Maybe even lower it a little bit more.
16 Just grab it like about three inches from the top and bend it
17 like that. Just bend it up.

18 THE WITNESS: Oh, bend it up. Okay.

19 THE COURT: Then you can lower it a little bit. That
20 way it will get your voice a little more. I think because of
21 the mask your voice will project downward and you won't hit
22 it.

23 THE WITNESS: May I have permission to tie the
24 plastic tight so it won't move?

25 THE COURT: Sure.

1 BY MS. MATZ:

2 Q You're ready?

3 A Yes, ma'am.

4 Q Great. Do you recall testifying that you're the person at
5 the company, Kebe Studios, that's responsible for publishing
6 all the content on YouTube?

7 A Yes, ma'am.

8 Q Okay. And do you recall being asked whether it was your
9 position that the business is responsible for publishing the
10 content, you testified I am the business?

11 A Yes, ma'am.

12 Q Okay. And do you also recall testifying that when you
13 were asked in your mind whether or not you saw a distinction
14 between you and the business, that you said, no, I mean, I am
15 the business? Do you recall that?

16 A Yes, ma'am.

17 Q Okay. The domain name unWinewithTashaK.com, that is your
18 website; correct?

19 A Yes, ma'am.

20 Q Okay. And you are personally the registrant, the person
21 who that website is registered to; correct?

22 A I believe so.

23 Q And you also filed for a trademark; is that correct?

24 A Yes, ma'am.

25 Q And that's -- you filed for a trademark for

1 unWinewithTashaK. Is that also correct?

2 A Yes, ma'am.

3 Q Okay. And you are personally the listed owner of that
4 trademark with the United States Trademark Office; correct?

5 A Yes, ma'am.

6 Q All right. I'd like to pull up Plaintiff's 946. Is this
7 a copy of the mark information for the trademark that you and
8 I were just discussing from the trademark office?

9 A Yes, ma'am.

10 MS. MATZ: Your Honor, I'd offer this in evidence.

11 MR. SABBAK: No objection.

12 THE COURT: Plaintiff's 946 is admitted without
13 objection.

14 (Whereupon, Plaintiff's Exhibit 946 was marked for
15 purposes of identification and admitted into evidence.)

16 BY MS. MATZ:

17 Q Okay. And if we can just take a look at the first page,
18 the trademark that you applied for is depicted kind of small
19 in the upper right-hand corner; is that correct?

20 A Yes, ma'am.

21 Q And that's your logo unWinewithTashaK?

22 A Yes, ma'am.

23 Q Okay. And if you can look at the goods and services
24 section, you have applied for that in Entertainment Services.

25 Do you see that?

1 A Yes, ma'am.

2 Q Okay. And so that trademark is in relation to your
3 unWinewithTashaK platform; correct?

4 A Yes, ma'am.

5 Q And if we can go to the next page. All right. And if you
6 see under the current owner information, it says Latasha Kebe.
7 Do you see that?

8 A Yes, ma'am.

9 Q So you individually own the trademark?

10 A Yes, ma'am.

11 Q And do you have a license agreement with your business,
12 Kebe Studios?

13 A I believe so, yes, ma'am.

14 Q You have a written license agreement?

15 A Could you elaborate more?

16 Q I'm asking if you -- if there is a license agreement,
17 meaning a written form of a document that licenses the company
18 the right to use the trademark that you've registered.

19 A No, ma'am.

20 Q Okay. So you just -- the business, Kebe Studios, just
21 utilizes it even though you own it; is that correct?

22 A Yes, ma'am.

23 Q And do you and your husband have an operating agreement
24 for the company?

25 A No, ma'am.

1 Q And it's an LLC; correct?

2 A Yes, ma'am.

3 Q And when you make decisions, do you do written resolutions
4 or anything like that?

5 A No, ma'am.

6 Q So you don't follow any of those types of corporate
7 formalities; correct?

8 A No, ma'am.

9 Q But you are, even though you own the business with your
10 husband 50/50, you're the face of the company; correct?

11 A Of unWinewithTashaK, yes, ma'am.

12 Q Well, the company is Kebe Studios. Are you the, I mean --
13 and the company's business is unWinewithTashaK; correct?

14 A One of them, yes, ma'am.

15 Q Is it the predominant business?

16 A No, ma'am.

17 Q You have other businesses under it?

18 A Yes, ma'am.

19 Q So you are the face of the unWinewithTashaK portion of the
20 business?

21 A Yes, ma'am. That's correct.

22 Q Is your husband the face of other portions of the
23 business?

24 A Yes, ma'am.

25 Q Okay. Are you the president of the company?

1 A No, ma'am.

2 Q Is he?

3 A Yes, ma'am.

4 Q Just one more question about the videos we were looking at
5 where you were talking about my client putting beer bottles up
6 her vagina. That video that we were just looking at is not
7 the only time that you have published videos repeating that
8 same statement that my client was the person in that video
9 putting beer bottles up her vagina; correct?

10 A Yes, ma'am.

11 Q All right. And you have also -- when we were talking
12 earlier about the statements you made that my client was a
13 prostitute, you've also made that statement on many other
14 occasions; correct?

15 A Yes, ma'am.

16 Q And in many forums; correct?

17 A Yes, ma'am.

18 Q Including going online and saying that my client -- my
19 client's statement that she did not sell pussy is a lie; is
20 that right?

21 A Yes, ma'am.

22 MS. MATZ: Okay. If we can please take a look at
23 Plaintiff's 576. Your Honor, this was stipulated to by
24 Request for Admission 78, and I would offer it into evidence.

25 THE COURT: Any objection?

1 MR. SABBAK: No objection, sir.

2 THE COURT: Plaintiff's 576 is admitted without
3 objection.

4 (Whereupon, Plaintiff's Exhibit 576 was marked for
5 purposes of identification and admitted into evidence.)

6 MS. MATZ: Okay. And we're going to take a look at
7 approximately 58 minutes and 45 seconds, please.

8 (Whereupon, a video recording was played.)

9 BY MS. MATZ:

10 Q All right. Can we pause there. All right. In the video
11 we just looked at you were making that statement, and you were
12 referring directly to my client; correct?

13 A That is correct.

14 Q All right. Do you recall giving testimony -- well, you
15 testified earlier that you did not remove the videos, the
16 video of the -- excuse me -- of the Starmarie interview or the
17 other September 21st video. You did not remove those within
18 three days after the demand for retraction was sent; correct?

19 A Yes, ma'am.

20 MS. MATZ: Okay. You do recall, though, at some
21 point -- well, actually, I'm going to just read a stipulated
22 fact into the record. On March 21st, 2019, the plaintiff
23 filed this action. On March 25th, 2019, Kebe temporarily
24 unlisted or made private the September 19th, 2018, video and
25 the September 21st, 2018, video on the Main YouTube channel.

1 On or around March 26th, the next day, Kebe re-listed
2 and/or made public the 9-19-2018 video and the 9-21-2018 video
3 on the Main YouTube channel.

4 Okay. And earlier when we were looking at the demand
5 letter that came from my firm, you also posted a video about
6 that letter; correct?

7 THE WITNESS: I believe so.

8 BY MS. MATZ:

9 Q And was that video entitled "Cardi B I Just Wiped My Ass
10 with Your Demand Letter, I said what I said?"

11 A Yes, ma'am.

12 MS. MATZ: Okay. Can we please pull up Plaintiff's
13 525. All right. Hold on one second. Your Honor, this was
14 stipulated to by Request for Admission No. 7, and I'd offer it
15 into evidence.

16 MR. SABBAK: No objection.

17 THE COURT: Plaintiff's 525 is admitted without
18 objection.

19 (Whereupon, Plaintiff's Exhibit 525 was marked for
20 purposes of identification and admitted into evidence.)

21 MS. MATZ: Go ahead and play it.

22 (Whereupon, a video recording was played.)

23 BY MS. MATZ:

24 Q All right. Is that the video that you posted after
25 receiving the demand for retraction from my firm?

1 A That is correct.

2 Q Okay. All right. So in that video you talked about the
3 fact that your name wasn't even right on it?

4 A That is correct.

5 Q All right. And that's because the letter was addressed to
6 LaTasha Howard; correct?

7 A Yes, ma'am.

8 Q But you do admit that that was your name for a period of
9 time but just wasn't your married name; correct?

10 A Yes, ma'am.

11 Q So when you received the letter, you did understand that
12 it was for you and that you had received it; correct?

13 A Yes, ma'am.

14 Q All right. In this video you reference that unless Cardi
15 sends you court papers making you show up in court, that the
16 videos aren't coming down; correct?

17 A That is correct.

18 Q And this video was posted in February -- on February 28th
19 of 2019?

20 A I believe so.

21 Q All right. Excuse me. This lawsuit was started on
22 March 21st of 2019. So you did receive court papers; correct?

23 A Yes, ma'am.

24 Q But the videos are still up as of this day; correct?

25 A Yes, ma'am.

1 Q All right. You also are talking to Cardi in this video;
2 is that correct?

3 A That is correct.

4 Q And so this video is actually directed at her when you
5 said bye, bitch. You were talking to her; correct?

6 A Yes, ma'am.

7 Q If we can, please look at Plaintiff's 51. Have you ever
8 seen this before?

9 A Yes, ma'am.

10 Q Is this a screenshot of the YouTube page where the video
11 we just watched is accessible?

12 A Yes, ma'am.

13 Q And you posted this on your YouTube channel?

14 A Yes, ma'am.

15 MS. MATZ: Your Honor, I'd offer this into evidence.

16 MR. SABBAK: No objection.

17 THE COURT: Plaintiff's 51 is admitted without
18 objection.

19 (Whereupon, Plaintiff's Exhibit 51 was marked for
20 purposes of identification and admitted into evidence.)

21 BY MS. MATZ:

22 Q Okay. And so here in this screenshot we can see your
23 face; is that correct?

24 A Yes, ma'am.

25 Q And that's because the video was paused at that particular

1 time when the screenshot was taken; correct?

2 A Yes, ma'am.

3 Q And underneath the video you can see the title of the
4 video, "Cardi B I Just Wiped My Ass With Your Demand Letter";
5 correct?

6 A Yes, ma'am.

7 MS. MATZ: All right. We are going to take a look at
8 Plaintiff's 592. And, your Honor, this was stipulated to by
9 Request for Admission 98 and I'd offer it into -- actually, I
10 apologize. Did I offer the last -- 51 into evidence?

11 THE COURT: You did.

12 MS. MATZ: Okay. So Plaintiff's 592, this was
13 stipulated to by Request for Admission 98. I'd ask that it be
14 moved into evidence.

15 MR. SABBAK: No objection.

16 THE COURT: 592 is admitted without objection.

17 (Whereupon, Plaintiff's Exhibit 592 was marked for
18 purposes of identification and admitted into evidence.)

19 BY MS. MATZ:

20 Q All right. If we can, let's take a look starting at
21 around a minute 14 and 10 seconds -- I apologize. Just one
22 more. There was a stipulated fact on this that on
23 September 18th, 2020, defendants published this video on
24 YouTube.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q All right. Let's pause. All right. So a couple things.
3 The first thing is in this video when you said that -- you
4 said I know you're fucking somebody else, you were talking
5 about my client; correct?

6 A That is correct.

7 Q And you're talking about my client having sex with someone
8 else other than her husband Offset; correct?

9 A That is correct.

10 Q All right. And in this you also said that if you know --
11 you know Cardi is watching; correct?

12 A Yes, ma'am.

13 Q And then you said if you have a problem with this, just
14 hit the lawyers; correct?

15 A Yes, ma'am.

16 Q And you're referring to your lawyers in this lawsuit;
17 correct?

18 A Yes, ma'am.

19 Q All right. And that's because you published this video in
20 September of 2020 while this lawsuit was pending; right?

21 A Yes, ma'am.

22 Q So after making statements that my client had herpes and
23 was a prostitute and used cocaine and stuck beer bottles up
24 her vagina and then getting sued for it, you also went online
25 and said she was fucking someone else and said I know you've

1 got HPV; is that right?

2 A Yes, ma'am.

3 Q All right. If we can go -- when you were saying, you
4 know, hit the lawyers, I know you're watching this, were you
5 talking to her?

6 A Yes, ma'am.

7 Q Meaning my client?

8 A Yes, ma'am.

9 Q So you were directing this at her?

10 A That is correct.

11 MS. MATZ: Okay. Thank you. All right. If we can
12 please go to 1:23:20.

13 (Whereupon, a video recording was played.)

14 BY MS. MATZ:

15 Q All right. Let's pause. So again you've used the term
16 "receipts" in this video?

17 A Yes, ma'am.

18 Q When you're talking about you having receipts?

19 A Yes, ma'am.

20 Q And by receipts, you are referring to corroborating
21 documents; correct?

22 A Yes, ma'am.

23 Q Okay. So you're telling people who are watching this that
24 when you publish something, you have corroborating documents;
25 correct?

1 A Yes, ma'am.

2 Q And you also said in this video if I get it wrong, I have
3 no problem retracting; correct?

4 A That is correct.

5 Q All right. Do you have any corroborating documents that
6 my client has had sex with a man that's not her husband?

7 A No, ma'am.

8 Q Okay. And do you have any corroborating documents that my
9 client has HPV?

10 A No, ma'am.

11 Q So when you told people that what you publish you have
12 receipts for -- I mean corroborating documents -- you don't
13 always; correct?

14 THE COURT: I'm sorry? Why are you looking at me?

15 THE WITNESS: Oh, I thought you were about to say
16 something. Sorry about that.

17 THE COURT: No. I was just responding to an email
18 and put my glasses on.

19 THE WITNESS: I'm sorry about that. Okay. Repeat
20 the question.

21 BY MS. MATZ:

22 Q I said, so when you're telling viewers that you have
23 receipts, meaning corroborating documents, for the things you
24 publish on your channel, that's not always true; correct?

25 A Yes, ma'am.

1 Q All right. You also said if I get it wrong, I have no
2 problem retracting; correct?

3 A That is correct.

4 Q All right. But you have never issued a retraction to my
5 client?

6 A I have -- not to her personally but to my viewers.

7 Q You've issued a retraction to your viewers?

8 A Yes, ma'am.

9 Q When did you do that?

10 A On the Winogang channel.

11 Q You issued a retraction and said that everything -- what
12 did you retract?

13 A I said I knew that the story was fake and that it was
14 probably planted.

15 Q You're talking about this story?

16 A This particular story, yes, ma'am.

17 Q Okay. But you've never issued a retraction for any of the
18 other videos you've published about my client; correct?

19 A I mean, I can't say that. I don't know which ones you're
20 talking about. I've done a lot of --

21 Q Have you ever issued a retraction to my client for any of
22 the videos where you have said that she is a prostitute?

23 A No, ma'am.

24 Q Have you ever issued a retraction to my client for any of
25 the videos where you said she has herpes?

1 A No, ma'am.

2 Q Have you ever issued a retraction for any of the public
3 postings that you made where you used Herpes B or Cold Sore B
4 to refer to my client?

5 A No, ma'am.

6 Q Have you ever issued a retraction to my client for saying
7 that she put beer bottles up her vagina?

8 A No, ma'am.

9 Q And you have never taken any of those videos down, they're
10 all still up today; correct?

11 A Yes, ma'am.

12 Q All right. So let's talk about what you just said,
13 though, about this particular video where you said that my
14 client had sex with another man while she was married and that
15 she has HPV. Correct?

16 A Yes, ma'am.

17 Q All right. So you have admitted that the -- you thought
18 the information that was given to you before you published
19 this video was false; correct?

20 A Yes, ma'am.

21 Q Okay. And you've also admitted that you believed it was
22 false before you put the video out; correct?

23 A That is correct.

24 Q All right. And you recall giving testimony about the
25 reasons why you believed before you published this video that

1 the source of the information was not reliable; correct?

2 A That is correct.

3 Q Okay. And so with respect to that, you received a DM and
4 then an anonymous phone call; is that right?

5 A That is correct.

6 Q All right. And do you know the name of the person who
7 DM'd you?

8 A No, ma'am.

9 Q Okay. And do you know the name of the person who you
10 claim you received the anonymous phone call from?

11 A No, ma'am.

12 Q Okay. And the woman who called you actually refused to
13 give you her name when she called you; correct?

14 A That is correct.

15 Q All right. And when we were watching the beginning of
16 this when you said the woman who called you was playing a
17 recording, you don't have a copy of that; is that correct?

18 A That is correct.

19 Q All right. And before you published this video part of
20 the reason you thought that whoever had called you and was
21 claiming to be the source of this information, part of the
22 reason you thought that it wasn't credible was because you
23 asked for a copy of the recording, and that person would not
24 provide it to you; is that correct?

25 A That is correct.

1 Q And how did you ask for that? Did you ask for it on the
2 phone call or in a DM?

3 A On the call.

4 Q Okay. And then it never came to you; is that right?

5 A They refused, yes, ma'am. That's correct.

6 Q Okay. You also testified that one of the other reasons
7 that you did not believe that the source or the alleged source
8 of this story was credible is because you didn't actually
9 think that the person who DM'd you and the person that called
10 you were the same person; isn't that right?

11 A That is correct.

12 Q And that usually when people reach out to you, they DM
13 you, and then you exchange numbers and at some point you speak
14 to them; is that right?

15 A That is correct.

16 Q But that's not what happened here?

17 A No. That is correct.

18 Q Someone just called you out of the blue; is that right?

19 A Yes, ma'am.

20 Q And part of the other reason you didn't think that this
21 was credible was that you felt like if you're playing a
22 recording for me and you don't send it to me, that you then
23 can't back the information up; correct?

24 A That is correct.

25 Q Because they could be playing you anything?

1 A Yes, ma'am.

2 Q But regardless of you believing that the person who was
3 calling you and who was the alleged source of this story was
4 not at all credible, you went ahead and published the video
5 that contained the statement that my client cheated on her
6 husband and has HPV; correct?

7 A That is correct.

8 Q You've testified that you think my client planted this
9 story; correct?

10 A That is correct.

11 Q But you've also admitted that you don't have any evidence
12 that my client planted the story; correct?

13 A That is correct.

14 Q And it wasn't even just that you had doubts about the
15 alleged source of this story and serious doubts, that wasn't
16 it; right? You've actually admitted that before you published
17 this video, in your words, you thought it was fake?

18 A That is correct.

19 Q You've also admitted during your deposition that you
20 assume every story could not be true?

21 A That is correct.

22 Q Do you recall giving testimony that you think it's funny
23 to say that people have sexually transmitted infections?

24 A That is correct.

25 Q All right. And specifically when you were asked do you

1 think it's funny to say that people have sexually transmitted
2 infections, you said it's a part of life, yes, I do; right?

3 A Yes, ma'am. That is correct.

4 Q All right. And when you were also asked if you think it
5 would also be funny to say that someone had AIDS, you said
6 it's funny sometimes, yeah, I mean, especially if they were
7 reckless in getting it. I mean, that's the reality of it.
8 Some people just don't know. Is that the testimony you gave?

9 A That is correct.

10 Q All right. In this video that we were just watching, when
11 you said that if you get it wrong, you have no problem issuing
12 a retraction and then you said -- you said you did give a
13 retraction, but when you were asked about this at your
14 deposition -- well, let me ask you this: The retraction we're
15 talking to, is that the baby bird video?

16 A I'm sorry?

17 Q Is the retraction you're saying you gave for this video
18 the baby bird video?

19 A The baby bird?

20 Q Where you refer to my client as baby bird? Or are you
21 talking about a different video?

22 A I have no -- no, I have no idea.

23 Q Okay. We'll watch it in a minute. But did you -- when do
24 you think you gave that retraction?

25 A I remember exactly. It was when I talked -- can I

1 elaborate? Sorry.

2 THE COURT: Well, you've got to answer the question.
3 The question was when do you think you gave the video -- I
4 guess the retraction.

5 MS. MATZ: The retraction.

6 THE WITNESS: It was within a week of receiving the
7 story.

8 BY MS. MATZ:

9 Q All right. So very close in time; correct?

10 A Yes, ma'am.

11 Q And this story came out, just to make sure I get the date
12 right, this was September of 2020; correct?

13 A I believe so. I don't know the date.

14 Q Yeah, that was a stipulated fact I read into the record.
15 So September of 2020. And you were deposed in -- one of the
16 dates you were deposed in this case was November 30th; right?

17 A That is correct.

18 Q And do you recall testifying at that point -- not that you
19 had given a retraction, but that if you were given a negative
20 HPV result of my client, when you were asked if you would give
21 a retraction, you said, no, because that was dark comedy. I
22 didn't say that like it was an absolute fact.

23 A That is correct.

24 Q It's correct that that's the testimony you gave?

25 A That is correct.

1 Q Okay. So in the deposition you didn't say I had already
2 issued a retraction; correct?

3 A That is correct.

4 Q All right. And even though -- so you say here I didn't
5 say that as if it were an absolute fact; right?

6 A That is correct.

7 Q And yesterday when you were testifying, you talked about
8 certain pieces when referring to my client as being opinion
9 pieces; correct?

10 A That is correct.

11 Q And you remember acknowledging that you had testified that
12 opinion pieces were when someone else gives you information
13 and you're relaying it; correct?

14 A That is correct.

15 Q All right. But in your video that we just saw, you said
16 that 98 percent of what you do is fact; right?

17 A That is correct.

18 Q Okay. So you are relaying to people watching your video
19 on a regular basis that what you are publishing are facts;
20 isn't that right?

21 A That is correct.

22 Q Okay. Do you also recall during your deposition admitting
23 that you have made multiple false statements about my client?

24 A That is correct.

25 Q All right. And specifically -- and specifically in

1 reference to the statements we just watched; correct?

2 A That is correct.

3 Q Okay. And, again, when you were questioned actually
4 during the 11-19 -- excuse me -- the November 19th deposition,
5 when you were asked if you'd ever issued a retraction about
6 those particular statements -- question, okay, have you ever
7 issued a retraction? Answer, no. That was your testimony;
8 correct?

9 A That is correct.

10 Q All right. So what you just said a moment ago on the
11 stand, that you believe you did issue a retraction, that is
12 not what you testified to when you were under oath at your
13 deposition; correct?

14 A That is correct.

15 Q All right. The video that we just watched that says that
16 my client cheated on her husband and has HPV is still up;
17 right?

18 A That is correct.

19 Q Meaning I could go online tonight and watch it?

20 A That is correct.

21 Q And anyone else, any member of the public, could go online
22 and watch the video and see those statements?

23 A Yes, ma'am.

24 Q All right. And on the YouTube channel where you can see
25 the video, do you have a disclaimer under there at this point

1 that says there are statements in this video that aren't true?

2 A Yes, ma'am.

3 Q You have a disclaimer up there now?

4 A There is a disclaimer.

5 Q When did that go up?

6 A I'm not sure.

7 Q And do you specifically tell them that the statements
8 about my client having HPV and cheating on her husband aren't
9 true?

10 A Can you repeat the question?

11 Q Does the disclaimer specifically say that the statements
12 that my client has HPV are not true?

13 A No, ma'am.

14 Q Does the disclaimer say that the statements that my client
15 cheated on her husband are not true?

16 A No, ma'am.

17 Q What does the disclaimer say?

18 A Am I able to read it? It's pretty long.

19 Q Can you give me a general idea?

20 A Something like this is for entertainment purposes only.
21 All commentary is alleged, opinion based, comedy, satire,
22 parody.

23 Q Okay. Did you start putting that disclaimer on your
24 videos after you got sued?

25 A I'm not sure. I don't remember an exact date.

1 Q Okay. But in the video the statement that you're
2 presenting facts is still there; right?

3 A That is correct.

4 Q That wasn't edited out?

5 A No, ma'am.

6 Q All right. You've also made statements that if Cardi
7 wants you to delete the videos, she needs to give you money;
8 right?

9 A Yes, ma'am.

10 MS. MATZ: All right. Can we pull up Exhibit 550.
11 Your Honor, this video was stipulated to by Request for
12 Admission 44, and I'd offer it into evidence.

13 MR. SABBAK: No objection.

14 THE COURT: Plaintiff's 550 is admitted without
15 objection.

16 (Whereupon, Plaintiff's Exhibit 550 was marked for
17 purposes of identification and admitted into evidence.)

18 MS. MATZ: All right. If we could please start at
19 around 4 minutes and 15 seconds. This is 550? I'm sorry,
20 your Honor. Could I have one moment?

21 THE COURT: Sure.

22 (Brief Pause.)

23 MS. MATZ: So we're going to start this video at 4
24 minutes and 15 seconds, please.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q Let's pause there. Okay. So in this video where you're
3 saying because she thinks she's going to run my platform, she
4 wants me to delete the videos, well, bitch, you need to give
5 me a check, you're talking about my client; correct?

6 A That is correct.

7 Q Okay. And the videos that you're talking about that she
8 wants deleted are the videos we've been discussing with the
9 statements in them; correct?

10 A That is correct.

11 Q The statements that my client is saying are defamatory;
12 correct?

13 A That is correct.

14 Q All right. And in this you are -- are you talking to her?
15 Is this supposed to be directed at her?

16 A My audience.

17 Q Okay. So this is for your audience. And you're saying
18 that if the -- if she wants the videos down, she needs to pay
19 you; right?

20 A That is correct.

21 Q And you said, you want me to delete these videos, you
22 better give me the money I was supposed to make off the videos
23 or more because it's residual income?

24 A That is correct.

25 Q All right. When you say the money I was supposed to make

1 or more because it's residual income, are you talking about
2 the fact that as long as the videos remain up, they continue
3 to create revenue for you?

4 A That is correct.

5 Q All right. So you're essentially saying that to take the
6 videos down, my client has to pay you out for what you think
7 you're going to make on these videos by leaving them up?

8 A That is correct.

9 Q All right. And when you say I may not use her name -- no,
10 you said -- excuse me -- you want this shit down on my
11 platform, you've got to pay for that. It's a business over
12 here. And then you say, but knowing me, I'd find a way to
13 still give it to you. I may not use her name, but I'd be like
14 there's this rapper. You said that; right?

15 A That is correct.

16 Q And is what you're intending to convey when you say that,
17 that even if she did pay you to take these down and you took
18 them down, that you would continue to make the statements
19 without using her name and just say there's this rapper?

20 A That is correct.

21 Q All right. So you're essentially conveying that no matter
22 what my client does, you're going to continue to make these
23 statements about her?

24 A That is correct.

25 Q And part of the reason you were laughing when you said I'd

1 be like there's this rapper, is because you've talked about my
2 client enough that you would expect that all your viewers
3 would still know who you were talking about if you said
4 there's this rapper; right?

5 A That is correct.

6 Q You've also admitted that you're publishing stories about
7 my client to get back at her for starting this lawsuit; right?

8 A That is correct.

9 Q All right. Could we please take a look at Exhibit 651.
10 Okay. Before this is published to the jury do you -- all
11 right. Do you recognize what's up on the screen here?

12 A Yes, ma'am.

13 Q Is that you in the upper left-hand corner?

14 A Yes, ma'am.

15 Q And at the top left-hand corner next to the little circle
16 it says unWinewithTasha. You see that?

17 A Yes, ma'am.

18 Q Was this an Instagram Live video that you published on
19 your channel?

20 A On Instagram.

21 MS. MATZ: Your Honor, I'd offer this into evidence.

22 THE COURT: Any objection?

23 MR. SABBAK: No objection, your Honor. Thank you.

24 THE COURT: Plaintiff's 651 is admitted without
25 objection.

1 MS. MATZ: Thank you, your Honor.

2 (Whereupon, Plaintiff's Exhibit 651 was marked for
3 purposes of identification and admitted into evidence.)

4 BY MS. MATZ:

5 Q All right. If we can take a look at it starting at 11
6 minutes and 10 seconds, please. And before we start this, is
7 this a recording of a phone call?

8 A I'm sorry?

9 Q Is this a recording of a -- excuse me -- a face time?

10 A No. This is an Instagram Live.

11 Q Okay. And you had four people on it?

12 A Yes.

13 Q Okay. Before we show this I just want to ask you a couple
14 questions about what an Instagram Live is.

15 A Sure.

16 Q Could you explain what an Instagram Live is.

17 A So an Instagram Live is a feature and this story icon
18 where you see my little face above my head. I'm in the black
19 shirt. So you'll click that icon when you're on Instagram,
20 and you'll have the option to go live. And they allow you to
21 go live with others as well, up to four. And so I brought in
22 other bloggers during this conversation to discuss a multitude
23 of things.

24 Q Okay. So it's essentially like a way to broadcast a live
25 conversation, and that can be just you or it could be a

1 conversation with other people; correct?

2 A That is correct.

3 Q All right. And do you know how long these stay up on
4 Instagram?

5 A There's two options. So 24 hours -- no, not 24 hours. So
6 you have the option to delete it right away or you can share
7 it to your Instagram, and it will stay if it processes. So --

8 Q Okay.

9 A Yes.

10 Q Great. Thank you. And did you share this one with your
11 Instagram?

12 A I tried, yes, ma'am.

13 Q Okay. All right. Let's look at 11 minutes and 10
14 seconds.

15 (Whereupon, a video recording was played.)

16 BY MS. MATZ:

17 Q All right. Who are the other people you're talking to?

18 A I believe that is The Wiley Show next to me at the top.
19 Below is Spoken Reasons, a YouTuber, and I'm not sure who that
20 is in the dark. I can't remember right offhand.

21 Q Okay. And this was published --

22 A Oh, I remember. Larry Reid Live. He's another YouTuber.

23 Q Thank you. This was published in August of 2021; correct?

24 A I believe so.

25 Q All right. And when you were saying, when she filed that

1 lawsuit, that was the only reason I started to drag her ass,
2 you're talking about my client, Cardi B; correct?

3 A That is correct.

4 Q And is drag her ass slang for talking negatively about
5 someone? Putting it politely.

6 A More so reading her, critiquing her more.

7 Q All right. But since this lawsuit was filed, you've done
8 more than just critique her; correct?

9 A Yes, ma'am.

10 Q Because we've looked at all of these tweets where you
11 refer to her as Herpes B and the video that we just looked at
12 where you said she had HPV and cheated on her husband;
13 correct?

14 A That is correct.

15 Q All right. And so that would be included -- that type of
16 conduct would also be included in what you're describing as
17 when you started to drag her ass; correct?

18 A That is correct.

19 Q All right. So part of the reason you did those things
20 was -- or the reason you did those things is because she filed
21 a lawsuit. That's what you're saying in this video?

22 A That is correct.

23 Q All right. Do you recall giving testimony that you don't
24 know for sure that my client has HPV?

25 A That is correct.

1 Q And you testified also that you think it's a joke; right?

2 A That is correct.

3 Q And you also remember testifying that part of the reason
4 you said she had HPV is because you think it's amusing; right?

5 A That is correct.

6 Q Okay. And when asked if when you said that, you knew it
7 would upset my client, you admitted that you knew it would
8 upset my client; correct?

9 A That is correct.

10 Q And that's part of the reason you did it; correct?

11 A That is correct.

12 MS. IZMAYLOVA: May we approach?

13 THE COURT: Yes.

14 (Whereupon, a bench conference was held between the
15 court and counsel.)

16 MS. IZMAYLOVA: In that deposition my client wants to
17 explain the other reasons why she was doing this was because
18 of the threats and everything we discussed yesterday, so she's
19 opening the door to that and I just wanted --

20 THE COURT: What is it she's --

21 MS. IZMAYLOVA: She was like saying, you know, I
22 wanted her to be upset, like, you know, when I was posting the
23 videos, when I was --

24 THE COURT: That's a way to back door in the stuff
25 that's not allowed. The reason that she would go on the

1 record and say mean stuff is because of the threats against
2 her?

3 MS. IZMAYLOVA: She was saying that because of all
4 those things in addition to filing the lawsuit and --

5 THE COURT: Wait a minute. I don't understand.
6 Start over.

7 MS. IZMAYLOVA: Sorry. I'm trying to -- she said
8 those things in addition to because she filed the lawsuit and
9 also because she's been harassing her and, you know --

10 THE COURT: So she said things that were consistent
11 with the things that she'd been saying all along.

12 MS. IZMAYLOVA: Correct.

13 THE COURT: Well, that's not believable, number one.
14 It's in direct violation of the motion in limine. I'll let
15 you make a record of that at the break, but we're not going to
16 back door -- find a way for her to back door in everything
17 that I've eliminated. To say that I've been talking crap
18 about her and because they threatened to sue me, I continued
19 to talk crap about her, in addition to the fact that I think
20 it's amusing and I make money from it and all that, no, that's
21 not believable. And it's just an attempt by defense to simply
22 back door in things that have been specifically excluded by
23 the Court.

24 MS. IZMAYLOVA: I'm not trying to back door it in.
25 I'm just saying it's getting to that point where she keeps

1 asking her about her state of mind.

2 MS. MATZ: I'm not asking about her state of mind.

3 THE COURT: I'm not sure what question -- what
4 question asked about her state of mind?

5 MS. IZMAYLOVA: She's saying like you thought this
6 and you thought that. Like I'm saying --

7 MS. MATZ: She admitted those things.

8 MS. IZMAYLOVA: I understand but she also -- I'm
9 just --

10 MS. MATZ: So I don't -- go ahead.

11 MS. IZMAYLOVA: I'm going to bring it back up if I
12 think it's getting more close, I guess.

13 THE COURT: Okay. Well, so in her deposition --

14 MS. IZMAYLOVA: Correct.

15 THE COURT: -- she said what? She said I brought
16 that -- I did that because you -- because I was mad about that
17 I was being harassed?

18 MS. MATZ: Not in response to the questions I just
19 asked --

20 MS. IZMAYLOVA: Not --

21 MS. MATZ: Excuse me. In many places -- and this was
22 a giant problem -- she went off because there was obviously no
23 one in the room controlling her. She went off on these giant
24 tangents like calling my client a gang banger and just saying
25 all these inflammatory things, and we are not offering that

1 testimony here because the Court has specifically excluded it.
2 And in response to the questions that I just asked, that is
3 not the answers that she gave.

4 THE COURT: Yeah, I don't understand the defendant's
5 point at this point. But I'll tell you I'm not going to let
6 the defendant create -- like at one point she herself said
7 that what she wanted to say was going to open the door. She
8 can't open the door by saying stuff. The only way the
9 proverbial door could be opened is if a question is asked that
10 does that.

11 MS. IZMAYLOVA: I understand.

12 THE COURT: At this point I'm not exactly sure that I
13 have a motion before me, but I fail to see that the defendant
14 can be able to say things that she wants to say just because
15 she wants to say them because she think it makes herself look
16 better. I mean, so at this point there's nothing for me to
17 rule on.

18 MS. MATZ: Thank you, your Honor.

19 Before we break I'm actually about to play a fairly
20 long video since --

21 THE COURT: How long is it?

22 MS. MATZ: It's more than 15 minutes, I believe. Let
23 me just check the time codes.

24 THE COURT: You're going to have questions for her
25 after you play it I'm sure or you'll have questions in

1 between?

2 MS. MATZ: I'll have questions for her after I play
3 it. So it's at least 18 minutes long.

4 THE COURT: We're going to break for lunch.

5 MS. MATZ: Thank you.

6 MS. IZMAYLOVA: Thank you.

7 (Whereupon, the following proceedings continued in
8 open court.)

9 THE COURT: Sorry that we had to have such a long
10 discussion. I used to tell jurors when I was a state judge
11 that if they -- and this is true. If you ever can't hear
12 something, then ask us to speak up. I'm not sure if I said
13 this in this trial or not, but when we're whispering over
14 there, don't ask us to speak up because that's intentional.

15 In the course of discussing some evidentiary matters,
16 it's come to my attention that there's going to be -- the next
17 item for the plaintiff is going to be a video that itself will
18 take 18 minutes or so. There will be questions intermitted as
19 well, as well as following. It will probably make sense that
20 we go ahead and break for lunch now rather than just wait ten
21 minutes for artificial -- the artificial time that I said at
22 12:30. So we'll break now at 12:20. I'll ask if you'll
23 return to the jury deliberation room at 1:20.

24 I should have mentioned this yesterday and I didn't,
25 that we also have the use of the adjoining courtrooms' jury

1 deliberation area. So if y'all want to -- if some of you are
2 staying up and you want to spread out in there, then feel free
3 to do that, and court security staff will make that available
4 to you, assuming I'm right and it's still available.

5 There was a judge there -- his picture was on the
6 wall -- one of the few African American judges that's ever
7 served on this court, a great man. He was on the Georgia
8 Court of Appeals before I was ever there, and then he came
9 here. And he just recently -- as a federal judge, you can
10 take senior status when you reach a certain age depending on
11 when you went on the bench, which allows you to continue to
12 serve and hear some cases. Oftentimes senior judges continue
13 to hear full case loads even after they retire, which is
14 really nice because the government is already paying them, and
15 they don't get paid anything more to serve. He served well
16 into his eighties and just recently retired, and so his
17 courtroom is vacant.

18 There's currently pending before the United States
19 Congress the nominee -- nomination of our President Biden the
20 two new judges to this court, and I expect both of them to be
21 confirmed soon. And one of them will take that office, and
22 that courtroom might not be available to us then. But it is
23 now, and so if you want to spread out in there either now or
24 at any of our other breaks we'll make it available to you. So
25 we'll see you at 1:20. Take your notes with you and leave

1 them in the jury deliberation room given that it's going to be
2 an extended break. Thank you.

3 COURTROOM SECURITY OFFICER: All rise.

4 (Whereupon, the jurors exited the courtroom.)

5 COURTROOM SECURITY OFFICER: Please be seated.

6 THE COURT: All right. So anything we need to talk
7 about before lunch?

8 MS. IZMAYLOVA: No, your Honor.

9 THE COURT: Nothing from the plaintiff?

10 MS. MATZ: No, your Honor. Thank you.

11 THE COURT: All right. We'll see y'all in an hour.
12 Thank you.

13 (Whereupon, a recess was taken from 12:20 p.m. until
14 1:24 p.m.)

15 COURTROOM SECURITY OFFICER: All rise.

16 THE COURT: Thank you.

17 COURTROOM SECURITY OFFICER: Please be seated and
18 come to order.

19 THE COURT: Yes, ma'am, if you'd come on up and have
20 a seat.

21 COURTROOM SECURITY OFFICER: All rise.

22 (Whereupon, the jurors entered the courtroom.)

23 COURTROOM SECURITY OFFICER: Please be seated and
24 come to order.

25 THE COURT: Let me say something if I can about the

1 temperature. So it's a little cool, and I think it's cool
2 because yesterday I thought it was getting kind of hot in
3 here. And I complained and asked them to do something about
4 it. Well, they have. So I am somewhat reluctant to ask them
5 to warm it up. I'm not afraid where we'll go, but I may wait
6 the rest of the day just to see what happens a little bit
7 later today. And if it's too cold, then we'll tell them and
8 see if they can adjust it a little bit maybe in between. But
9 it's kind of a slow process.

10 This building was built in 1980, I think. It's a
11 famous building, not by name, but any of the Marvel movies,
12 things like that that are -- and so many movies are now filmed
13 in Atlanta and in Georgia because of the tax laws here. This
14 building is frequently blown up in movies. If you watch it,
15 you'll see it going up in flames and things like that.

16 We don't have like our individual system of air
17 really. It's all kind of computerized and involves piping and
18 things like that. So we'll see if we can -- we'll see what we
19 end up with tomorrow, but I do apologize. If I'm a little
20 cold, I know people are cold because I'm not normally cold.
21 Maybe nobody was hot yesterday, but I thought it was getting
22 kind of hot in here yesterday. But we'll see if we can try to
23 find a happy medium. Thank you.

24 All right. Plaintiff can resume her questioning.

25 MS. MATZ: Yes, your Honor. Thank you.

1 Ms. Kebe, I believe before we broke for lunch that
2 one of the things you testified to was that you claim at
3 least, although you didn't say it in your deposition, that you
4 posted a retraction video regarding the video where you said
5 my client cheated on her husband and had HPV; is that correct?

6 THE WITNESS: Can you repeat the question? I
7 couldn't hear you.

8 BY MS. MATZ:

9 Q Sure. Make this a little closer.

10 A Thank you.

11 Q Sure. I said I believe before we broke for lunch that you
12 had testified that, although you didn't say you had done a
13 retraction video when you were deposed, you think you did do a
14 retraction video regarding the video where you said that my
15 client had HPV and had cheated on her husband; is that
16 correct?

17 A That is correct.

18 Q And I believe you also said that you posted that on your
19 Wino Gang channel; is that correct?

20 A That is correct.

21 Q Okay. And the Wino Gang channel is your back up channel;
22 correct?

23 A That is correct.

24 Q And the video that we looked at earlier where you said my
25 client had HPV and had cheated on her husband, that was posted

1 not on the back up channel; right?

2 A Repeat the question, please.

3 Q Was the video where you said my client had HPV and had
4 cheated on her husband, was that also posted on back up video
5 or was it posted somewhere else?

6 A No, it was -- we cut it up and put it on the back up
7 channel as well.

8 Q But where was it first posted?

9 A On my main channel, unWinewithTashaK.

10 Q Okay. And whatever retraction you're saying you issued,
11 did you also issue it on the main channel?

12 A No, ma'am.

13 Q Okay. And does your back up channel have less viewers
14 than your main channel?

15 A Yes, ma'am.

16 Q And would you say it has substantially less viewers?

17 A Yes, ma'am.

18 Q So anyone -- whatever you're saying you said is a
19 retraction, even though you didn't specify you were retracting
20 that my client didn't have HPV or that my client didn't cheat
21 on her husband, the people who saw that video on the main
22 channel would not have seen the retraction; correct?

23 A That is correct.

24 MS. MATZ: All right. I would like to pull up
25 Plaintiff's 581. And this has been stipulated by Request for

1 Admission No. 82, so I'd offer it into evidence, your Honor.

2 THE COURT: What's the number again?

3 MS. MATZ: The RFA number or the exhibit number?

4 THE COURT: Exhibit number.

5 MS. MATZ: Plaintiff's 581.

6 THE COURT: Is there any objection?

7 MR. SABBAK: No objection, your Honor.

8 THE COURT: Plaintiff 581 is admitted without
9 objection.

10 (Whereupon, Plaintiff's Exhibit 581 was marked for
11 purposes of identification and admitted into evidence.)

12 MS. MATZ: And there is a stipulated fact that on
13 September 21st, 2020, defendants published a video on YouTube.

14 (Whereupon, a video recording was played.)

15 BY MS. MATZ:

16 Q If we can just pause this for one second. I am going to
17 let this video play out, but just before we go into this, when
18 you're talking about we're about to catch a bitch or check a
19 bitch, you're talking about my client; right?

20 A That is correct.

21 Q Okay. Let's go ahead and play the rest of the video.

22 (Whereupon, a video recording was played.)

23 BY MS. MATZ:

24 Q All right. Ms. Kebe, in that video when you were talking
25 about making up stories out of thin air and posting false

1 statements, you were referring back to the video that we had
2 looked at before lunch where you said my client had HPV and
3 cheated on her husband; correct?

4 A That is correct.

5 Q All right. If we can go to section -- the minute mark of
6 3:24 for a moment approximately.

7 (Whereupon, a video recording was played.)

8 BY MS. MATZ:

9 Q Let's take a pause. All right. In this where you're
10 talking about I knew the shit was fake, I even talked to
11 the -- no, I'm not going to tell you who I talked to besides
12 Kyle, who is Kyle?

13 A Kyle owns a blog called The Neighborhood Talk on
14 Instagram.

15 Q Okay. And you talked to Kyle about the story that you
16 published saying my client had HPV and cheated on her husband
17 before you published it; correct?

18 A Yes, I did.

19 Q Okay. And you actually texted him about that story;
20 correct?

21 A That is correct.

22 Q And you told him that you thought that it was fake, but
23 you were going to put the BS out anyway; correct?

24 A That is correct.

25 Q All right. If we can just take a -- I want to just leave

1 this cued, but we're going to look at Plaintiff's 887 for a
2 moment. All right. And before we hit play on this, this is
3 what's been previously marked as Plaintiff's 887. Do you
4 recognize this?

5 A Yes, I do.

6 Q Is this a screen recording of your text messages with Kyle
7 that you provided in discovery in this case?

8 A Yes, they are.

9 MS. MATZ: Your Honor, I'd offer this into evidence.

10 MR. SABBAK: No objection.

11 THE COURT: 887 is admitted without objection.

12 (Whereupon, Plaintiff's Exhibit 887 was marked for
13 purposes of identification and admitted into evidence.)

14 MS. MATZ: All right. If we can publish it for the
15 jury for a moment.

16 (Whereupon, a video recording was played.)

17 BY MS. MATZ:

18 Q You're scrolling through your text messages so that we can
19 see them all; correct?

20 A Who said hold on?

21 Q Did you want the video to stop?

22 A Oh, that was my voice from the video. Oh, that's fine. I
23 thought somebody was saying hold on in the court. Okay.
24 Yeah, keep scrolling.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q All right. We can go ahead and pause. So this is you
3 scrolling through this text chain so that you can provide it
4 pursuant to a discovery request; correct?

5 A That is correct.

6 Q Rather than taking screenshots of it?

7 A Well, I just wanted you to see that it was real. That is
8 correct.

9 Q Okay. If we can scroll down a little, go forward a
10 little. Yeah, right there. Okay. So on the text messages
11 that are being portrayed here, this is your phone; correct?
12 That we're looking at?

13 A That is correct.

14 Q And the upper left-hand corner says Kyle 2. So in terms
15 of the colors on the screen, just so we're all clear what
16 we're looking at, the messages in the gray bubbles are coming
17 from Kyle; is that correct?

18 A That is correct.

19 Q And the messages in the, I'm going say aqua bubbles, are
20 your messages; correct?

21 A Yes, ma'am.

22 Q And these are messages you authored and sent to him;
23 correct?

24 A Yes, ma'am.

25 Q Okay. And it looks like you sent them on -- well, I'm

1 going to start where it says Friday September 18th, 2020. You
2 see that?

3 A Okay.

4 Q Okay. And it says I think the chick that called me is a
5 set up by Cardi. You see that?

6 A Yes.

7 Q And you said I've been texting the bitch all day; is that
8 correct?

9 A Yes, ma'am.

10 Q And so are you referring to what you testified about
11 earlier, that it was your belief that the source or the
12 alleged source that called you was being planted by my client?

13 A That is correct.

14 Q Even though you admitted that you have no evidence that
15 that's actually the case; correct?

16 A That is correct.

17 Q All right. Can we go forward a little. Maybe the other
18 direction. All right. Stop. Actually, go forward a tiny
19 bit. I apologize. Yeah, forward a little more. Okay. And
20 then you said -- I realize it's a little blurry -- I'm going
21 to still put out the BS. You see that?

22 A Yes, I do see that.

23 Q Okay. And BS in that is referring to bullshit; correct?

24 A That is correct.

25 Q All right. So you're essentially telling Kyle that the

1 story that you're about to put out was bullshit, but you were
2 putting it out anyways?

3 A That is correct.

4 Q All right. Can we go down a little more. I'm sorry. I
5 actually meant down in the chain, which I think is earlier in
6 the video. Sorry, your Honor. Okay. Stop. Okay. And then
7 here around 1:08 p.m. you were saying cause why won't she give
8 me the recording or send some sort of photos. You see that?

9 A Yes. That is correct.

10 Q So that's referring to what you were testifying about
11 earlier, that one of the reasons you believed that this person
12 who called you is fake is because you asked them for the
13 recording, and they didn't send you a copy; is that right?

14 A That is correct.

15 Q Okay. Thank you.

16 A You're welcome.

17 Q All right. If we can go back to the other video, please,
18 what we were looking at, which is Plaintiff's 581. All right.
19 So is what we just looked at in the text chain the
20 conversation that you were referring to in this video when you
21 said you talked to Kyle?

22 A I'm sorry. Could you repeat the question.

23 Q Sure. The quote we saw in the video before we switched
24 over to the other exhibit was, I was just like I know this
25 shit is fake, but since bitch wants to sent send out fake

1 something news -- motherfucking news, guess what, I'm going to
2 tell the world what already knows anyways -- I'm sorry. I
3 started that a little early. Said I even talked to the -- no,
4 I ain't going to tell you who I talked to besides Kyle. You
5 remember saying that?

6 A Yes, ma'am.

7 Q Okay. So is the conversation we just looked at the
8 conversation you had with Kyle?

9 A Yes, ma'am.

10 MS. MATZ: Okay. All right. And then if we can go
11 to 4:10.

12 (Whereupon, a video recording was played.)

13 BY MS. MATZ:

14 Q All right. Let's pause. So in this portion of the video
15 you're talking about someone putting a gag order or an
16 injunction on you; correct?

17 A Yes, ma'am.

18 Q Okay. And a couple of times in this video you said
19 statements to the effect of I don't care, and I'm never going
20 to stop. You heard yourself say that; correct?

21 A That is correct.

22 Q And is that because unless someone actually forces you to,
23 you are never going to stop repeating these statements about
24 my client?

25 A That is correct.

1 MS. MATZ: If we can go to 7:10, please.

2 (Whereupon, a video recording was played.)

3 BY MS. MATZ:

4 Q All right. Can we pause. Okay. So here you said, you're
5 a nasty bitch. I'm not surprised if you were sharing panties
6 with another bitch. So, first of all, when you said you're a
7 nasty bitch, you're talking about my client; right?

8 A That is correct.

9 Q All right. And throughout a lot of this video you seem to
10 be talking directly into the cameras as if you're talking to
11 my client; correct?

12 A I was talking to -- no, ma'am.

13 Q Okay. So you were talking to your viewers?

14 A Yes, ma'am.

15 Q Okay. All right. So you said I wouldn't be surprised if
16 you were sharing panties with another bitch. So you're
17 referring to my client wearing another woman's panties; is
18 that correct?

19 A That is correct.

20 Q Okay. And you've previously said in many statements that
21 we've heard today that she has herpes; correct?

22 A That is correct.

23 Q Okay. And here when you're saying she's sharing panties
24 with another woman, you're saying that was funny as fuck;
25 correct?

1 A Yes, ma'am.

2 Q Okay. All right. And then you said again in this video
3 that I know you're fucking somebody else; right?

4 A Yes, ma'am.

5 Q And you were talking about my client?

6 A Yes, ma'am.

7 Q So you were saying I know that you're having sexual
8 relations with a person that's not your husband; correct?

9 A That is correct.

10 MS. MATZ: All right. Let's start at 7:54, and I'll
11 tell you when to stop.

12 (Whereupon, a video recording was played.)

13 BY MS. MATZ:

14 Q All right. Let's pause there. So when we looked at the
15 video earlier, the video where you said my client has HPV and
16 the video where you said my client was cheating on her
17 husband, you said at some point that you put disclaimers on
18 your video saying that statements are alleged; right?

19 A That is correct.

20 Q Okay. But in this video you're saying -- well, when you
21 say oh, oh, why won't you leave me alone, y'all are lying on
22 me, you're imitating my client; right?

23 A That is correct.

24 Q Okay. And then you said, no, bitch, no. You're a nasty
25 bitch. You are. That's no allegedly; correct?

1 A Yes, ma'am.

2 Q So you're saying that the things you said about my client
3 are not allegedly; correct?

4 A Yes, ma'am.

5 MS. MATZ: All right. If we can go to around 8:38,
6 please.

7 (Whereupon, a video recording was played.)

8 BY MS. MATZ:

9 Q All right. Can you pause for a moment. Thank you. Okay.
10 So again when you're talking about I knew it was fake and
11 guess what, because I knew it was motherfucking fake, guess
12 what, because I knew it was fake I still made that shit go
13 motherfucking viral. You heard that?

14 A That is correct, yes, ma'am.

15 Q Okay. And the thing you're talking about knowing was fake
16 was again the video where you said my client had HPV and that
17 her husband cheated on her; correct?

18 A Yes, ma'am.

19 Q All right. And then you said I made that shit go
20 motherfucking viral. All right. When you put it out knowing
21 it was fake, you were trying to make it go viral; correct?

22 A Yes, ma'am.

23 Q Okay. And you recall giving testimony in this case when
24 you were deposed, that your intention was to bring traffic?

25 A That is correct.

1 Q To your platform; correct?

2 A Yes, ma'am.

3 Q Where you monetize your videos and you receive ad revenue;
4 correct?

5 A Yes, ma'am.

6 Q And do you recall also that when you were asked didn't you
7 care whether or not it was fake because you don't think it
8 does anything to affect your credibility, you testified, no,
9 you didn't care because you sell drama?

10 A That is correct.

11 Q And you also recall testifying that when you were asked
12 that you don't care if it's fake, you testified, yes, you
13 don't care if it was fake. That's what you said in the video;
14 correct?

15 A Correct.

16 MS. MATZ: All right. Can we look at -- go to time
17 code 9:01.

18 (Whereupon, a video recording was played.)

19 BY MS. MATZ:

20 Q All right. Let's pause. All right. So here you're again
21 talking about my client's female genitalia; correct?

22 A That is correct.

23 Q All right. And you're essentially implying that she was
24 sitting in a taxi with no panties on; correct?

25 A That is correct.

1 Q And are you saying that that would have happened -- that
2 that's a disgusting thing to do?

3 A Yes, it is.

4 Q Okay. And that you could potentially pick up some sort of
5 infection from that?

6 A Yes.

7 Q Okay. And that's also what you meant when you
8 referenced -- and I'm sorry to use this language -- but pussy
9 probably itching like a motherfucker?

10 A Part of it but yes.

11 MS. MATZ: Okay. You also -- if we could go to 9:36
12 for a second.

13 (Whereupon, a video recording was played.)

14 BY MS. MATZ:

15 Q All right. Let's pause. So you said, if I get something
16 wrong, I don't have no problem telling you, but I knew this
17 bullshit was bullshit. You heard that?

18 A Can you repeat the question. I was coughing. Sorry.

19 Q No problem. You said if I get something wrong, I don't
20 have no problem telling you, but I knew this bullshit was
21 bullshit?

22 A That is correct.

23 Q Okay. So are you essentially saying that if you think
24 something is false, you will issue a retraction but that you
25 knew this was false?

1 A Can you repeat that question. I didn't understand it.

2 Q Sure. In the first part of it when you said if I get
3 something wrong, I don't have no problem telling you -- so
4 let's just pause there. Are you saying that if you get
5 something wrong in one of your stories, you'll issue a
6 retraction?

7 A That is correct.

8 Q Okay. And then you said but I knew this bullshit was
9 bullshit; right?

10 A That is correct.

11 Q So if you already knew it was wrong, at this point you
12 published this video and -- is there a retraction in this
13 video?

14 A Yes. Yes, ma'am.

15 Q Is this the retraction video you testified about?

16 A Yes, ma'am.

17 Q You think this is a retraction?

18 A Yes, ma'am.

19 Q All right. So you're saying this is a retraction video,
20 but earlier you said in this video that you knew she was
21 cheating on her husband again; correct?

22 A Yes, ma'am.

23 Q So your idea of a retraction is to repeat some of the
24 statements that you're retracting and say that you know
25 they're true?

1 A No, ma'am.

2 Q But that's what you did here; right?

3 A No, ma'am.

4 Q Well, you did say I know you're cheating on him; correct?

5 A I did. Yes, ma'am.

6 MS. MATZ: All right. Okay. Let's go to 10:24.

7 (Whereupon, a video recording was played.)

8 BY MS. MATZ:

9 Q All right. Hold on. Okay. So here again you are
10 conveying that the videos are staying up no matter what;
11 right?

12 A Yes, ma'am.

13 Q And even though you said in some of the videos that we
14 watched yesterday that you wanted my client to handle it
15 legally and you weren't going to take them down unless she
16 filed court papers, now in this video, long after she filed
17 court papers, you're basically saying I don't care, the videos
18 are staying up unless a judge orders me to take them down; is
19 that right?

20 A That is correct.

21 Q So the only way at this point these videos are ever going
22 to come down is if this Court forces you to; is that right?

23 A That is correct.

24 MS. MATZ: Okay. And if we can go to 10:50, I
25 believe.

1 (Whereupon, a video recording was played.)

2 MS. MATZ: All right. I'm sorry. Where are you
3 stopped? Oh, no. Keep going.

4 (Whereupon, a video recording was played.)

5 BY MS. MATZ:

6 Q All right. Let's pause. Okay. So you said here if you
7 continue to send me fake stories, I'm going to air them as
8 they are, ho. You're talking about my client there; right?

9 A That is correct.

10 Q Okay. And you also said, every fucking story I get, just
11 like every story I get on every celebrity that I can put out
12 that's not damaging to my career, I'm going to fucking put
13 out. It's gossip, bitch. You heard that; right?

14 A Yes, ma'am.

15 Q Okay. And when you talk about not damaging to your
16 career, what you actually mean is every story that you can put
17 out that's good for your platform you're going to put out;
18 correct?

19 A That is correct.

20 MS. MATZ: All right. All right. If we can go to
21 12:30.

22 (Whereupon, a video recording was played.)

23 BY MS. MATZ:

24 Q All right. Let's pause there. When you're talking about
25 she should be live right now, you're talking about my client;

1 right?

2 A That is correct.

3 Q Okay. And is that because you expected that when -- your
4 expectation was that when she -- when you posted this fake
5 story about saying that she had -- excuse me -- saying that
6 she had HPV and her husband cheated on her, you expected her
7 to go live and say something about it; is that right?

8 A That is correct.

9 Q And if she had, that would have been good for your
10 platform; right?

11 A That is correct.

12 Q It would have driven traffic there?

13 A Yes, ma'am.

14 Q And that would have increased viewership?

15 A Yes, ma'am.

16 Q And ad revenue; correct?

17 A Yes, ma'am.

18 MS. MATZ: Okay. If we can go to 14:52.

19 (Whereupon, a video recording was played.)

20 BY MS. MATZ:

21 Q All right. Let's pause. Okay. So in this part of the
22 video you're saying if you want someone to know you've got an
23 STD, bitch, send it to me, and I'm going to put it out and let
24 every motherfucking body know. That's what you said?

25 A That is correct.

1 Q Okay. So you were specifically referencing the part of
2 the video where you said my client had HPV; correct?

3 A No, ma'am.

4 Q You were referencing something else?

5 A Yes, ma'am.

6 Q Were you referencing something else in a different video?

7 A Yes, ma'am.

8 Q What video were you referencing?

9 A The Starmarie Jones interview that I conducted on
10 September 18th or 19th, I believe.

11 Q Okay. So when you say -- so you're actually talking about
12 the comment that my client had herpes when you're talking
13 about that?

14 A Yes, ma'am.

15 Q Okay. So you're saying if you want somebody to let --
16 somebody to know that you've got an STD, referencing herpes,
17 to send it to you and you'll put it out?

18 A Yes, ma'am.

19 Q Do you think my client set up the Starmarie Jones
20 interview?

21 A No, ma'am.

22 Q Okay. But you're essentially saying here that if you
23 think my client -- if you thought my client sent you
24 information saying she had an STD, you would publish it?

25 A Yes, ma'am, if that's what I was told to do, yes, ma'am.

1 Q Even if you didn't know whether or not my client was
2 actually behind it; correct?

3 A Yes, ma'am. That's correct.

4 Q You'd go ahead and publish it?

5 A Yes, ma'am.

6 Q Just like you published this video -- excuse me -- the
7 video prior to this where you said my client has HPV; correct?

8 A Yes, ma'am.

9 Q So it wouldn't matter whether any of that information --
10 it wouldn't matter if all that information was false. You'd
11 go ahead and publish it; correct?

12 A No, ma'am.

13 Q Well, I just asked you if it was sent to you but you had
14 no -- you didn't actually know if it came from my client, if
15 you'd publish it; correct?

16 A Yes, ma'am, you did.

17 Q So you'd publish it without having any idea whether or not
18 the source that it came from had anything to do with my
19 client; correct?

20 A No, ma'am.

21 Q Now you're saying you wouldn't. You would check?

22 A Yes, ma'am.

23 Q Okay. But here in this video, in the prior video when you
24 said my client had HPV, you've already admitted that you
25 didn't have any corroborating information and thought that the

1 information you were being given was fake; right?

2 A No, ma'am. I never said your client had HPV.

3 Q Well, that's what we heard you say in a video before the
4 lunch break.

5 A No, ma'am, that is incorrect.

6 Q All right. Well, we can go back and look at that. You're
7 saying that in the last video we saw, you didn't say I know
8 you've got HPV?

9 A Yes, ma'am. That is exactly what I'm saying.

10 Q You're saying those words didn't come out of your mouth?

11 A Yes, ma'am.

12 Q All right. Can we go to Plaintiff's 592. And, actually,
13 hold on one moment. Just hold on. Actually, no. I'm going
14 to direct you to your deposition testimony dated
15 November 19th.

16 A What page?

17 Q Page 242. And when you gave testimony at your deposition,
18 you understood you were under oath; correct?

19 A Yes, ma'am.

20 Q You understood you were under oath under penalties of
21 perjury just as if you were sitting here in this case?

22 A Yes, ma'am.

23 Q Okay. And at your deposition did you give the following
24 testimony starting on line 14? Do you recall making
25 statements that my client has HPV? Answer, yes.

1 A Yes, ma'am.

2 Q That's the testimony you gave?

3 A Yes, ma'am.

4 Q So you did say my client has HPV?

5 A I said she probably has STD (sic). It wasn't a fact.

6 Q Ma'am, did you give the testimony I just read into the
7 record?

8 A Yes, ma'am.

9 MS. MATZ: Okay. Thank you.

10 MS. IZMAYLOVA: Your Honor, can we approach?

11 (Whereupon, a bench conference was held between the
12 Court and counsel.)

13 MS. IZMAYLOVA: Because my client is not able to
14 explain --

15 THE COURT: You've got to be louder.

16 MS. IZMAYLOVA: Because she's not able to explain
17 anything, this is starting to get really tricky. I think --

18 THE COURT: Hold on. Hold on.

19 MS. IZMAYLOVA: -- she said now I can't say that for
20 a fact. So if she would replay the clip, she can explain
21 herself, though. I mean, this is getting really crazy.

22 MS. MATZ: I'm looking at her deposition testimony --

23 MS. IZMAYLOVA: I know what the video says.

24 THE COURT: She's on cross-examination. The question
25 is not improper. She's on cross-examination.

1 MS. IZMAYLOVA: Well, she's getting confused.

2 THE COURT: No point of argument.

3 (Whereupon, the following proceedings continued in
4 open court.)

5 BY MS. MATZ:

6 Q Okay. If we can go to -- actually, hold on. I apologize.
7 All right. You also recall in this same deposition on
8 November 19th of 2020 admitting that you made statements that
9 my client committed infidelity; is that correct?

10 A That is correct.

11 MS. MATZ: All right. If we can go to 16:10 of
12 the -- yes. That's the video. Thank you.

13 (Whereupon, a video recording was played.)

14 THE COURT: Hold one second. Yes, y'all can't see
15 it? Okay.

16 MS. MATZ: Thank you for letting us know.

17 THE COURT: Make it available to the jury.

18 (Whereupon, a video recording was played.)

19 BY MS. MATZ:

20 Q All right. Let's pause for a moment. When you just
21 started reading something, Tasha, nobody cares, whatever that
22 was, was that a comment that was coming up?

23 A Yes, ma'am.

24 Q Are you -- you're very engaged with your fans; is that
25 correct?

1 A That is correct.

2 Q And you read most of the comments that are posted on your
3 videos?

4 A No, ma'am.

5 Q You don't read them?

6 A Not a lot, no, ma'am.

7 Q Okay. Do you read -- so this was -- was this a live?

8 A Yes, ma'am.

9 Q Okay. And in a live video the comments are coming up as
10 you're talking into the video. And you're live; that's
11 correct?

12 A Yes, ma'am. That's correct.

13 Q Okay. So they're in your line of sight as you're looking
14 at your phone?

15 A Yes, they're moving.

16 Q And when you do live videos -- was this on Instagram?

17 This was a live on Instagram?

18 A No, ma'am. This was on my second YouTube channel, Wino
19 Gang, and I think we had approximately like 3,000 watching at
20 the time.

21 Q Okay. And so do you usually read the comments as you're
22 in lives or you don't read comments that much at all?

23 A Not much at all.

24 MS. MATZ: Okay. If you can go to 18:24.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q All right. Let's pause for a minute. So here when you're
3 saying you ain't going to be able to shut me up, you want to
4 shut me up, let me tell you how to shut me up, pay me bitch,
5 when you say that and you're saying pay me, bitch, you're
6 talking to my client; correct?

7 A Yes, ma'am.

8 Q And you're basically saying that if my client wants to
9 shut you up, she has to pay you?

10 THE COURT: Yes? No?

11 THE WITNESS: No, ma'am.

12 BY MS. MATZ:

13 Q Okay. Because you wouldn't take the videos down no matter
14 what; correct?

15 A Yes, ma'am. That is correct.

16 Q All right. Can we look at Plaintiff's 320. All right.
17 Have you seen this before?

18 A Yes, ma'am.

19 Q This is a post that you posted on Instagram; is that
20 correct?

21 A Yes, ma'am.

22 Q And the top part is a screenshot of part of the
23 conversation we just saw on your cell phone?

24 A Yes, ma'am.

25 Q Okay. And the bottom part is the message that you posted;

1 is that correct?

2 A Yes, ma'am.

3 MS. MATZ: All right. Your Honor, I'd offer 320 into
4 evidence.

5 MR. SABBAK: No objection, your Honor.

6 THE COURT: Plaintiff's 320 is admitted without
7 objection.

8 (Whereupon, Plaintiff's Exhibit 320 was marked for
9 purposes of identification and admitted into evidence.)

10 BY MS. MATZ:

11 Q All right. So you posted this on Instagram. And do you
12 recall when you did that?

13 A I believe it was right after the live stream that I made
14 on my backup channel, the Wino Gang. I'm not sure of the
15 actual date, so around September 20, 21st or something.

16 Q But approximately around the time that we -- of the video
17 we just saw; correct?

18 A Yes, ma'am.

19 Q Okay. And in this -- so the top part of this, now that
20 the jury can see it, this is a screenshot of the text messages
21 with Kyle; right?

22 A That is correct.

23 Q Okay. And I see there's a red mark over it. That's over
24 his phone number; right?

25 A That's correct.

1 Q And this is the messages we saw where you said I'm going
2 to put the BS out, and then he responded, oh, my God, really,
3 exclamation point. You see that?

4 A Yes, ma'am. That is correct.

5 Q That's how he responded. Okay. And then in the message
6 below, after the unWinewithTashaK, that's the message that you
7 actually authored when you posted this; right?

8 A Yes, ma'am.

9 Q And so just to make sure the jury understands, when you do
10 an Instagram post, you can upload a photo or video, and then
11 you have an opportunity to write something underneath it;
12 correct?

13 A That is correct.

14 Q And what do you generally call this section where you
15 write something?

16 A The caption section.

17 Q Okay. Great. So that's the caption section. Okay. So
18 in the caption section here again you wrote, but I knew the
19 bullshit was made up. I ran the story because I knew your ass
20 was that pressed. And so again we're talking about the video
21 where you said my client has HPV and had an affair; is that
22 correct?

23 A Yes, ma'am.

24 MS. MATZ: Thank you. All right. Can we look at
25 321, please. Actually, no. Sorry. I don't think we need

1 that. Okay. If we can take a look at Plaintiff's 615,
2 please.

3 THE COURT: Sorry. The number again?

4 MS. MATZ: Plaintiff's 615. And, your Honor, this
5 has been stipulated by Request for Admission No. 118, and I'd
6 offer it into evidence.

7 THE COURT: Any objection?

8 MR. SABBAK: No, sir.

9 THE COURT: 615 is admitted without objection.

10 (Whereupon, Plaintiff's Exhibit 615 was marked for
11 purposes of identification and admitted into evidence.)

12 THE COURT: You called out 321, but then you moved
13 on. So you're not tendering that?

14 MS. MATZ: I'm not. It was a pretty close duplicate
15 to the last one, and I don't think it's -- thank you, your
16 Honor. I appreciate you asking, though.

17 All right. If we can go to -- I believe it's around
18 the hour mark at 1 hour, 2 minutes, 42 seconds, please.

19 (Whereupon, a video recording was played.)

20 BY MS. MATZ:

21 Q All right. Let's pause. So in this you say -- well,
22 first of all, this was published in September of 2020;
23 correct?

24 A I'm not sure when this was published.

25 Q All right. We can get to that. In this -- well, first of

1 all, let me ask you a question. Was this published on your
2 YouTube page or is this a Patreon video?

3 A This is a Patreon video.

4 Q All right. And Patreon is a platform that people have to
5 pay to see content; correct?

6 A That is correct. It's an exclusive platform for your VIP
7 subscribers and viewers.

8 Q Okay. So unlike YouTube, the content you put out on your
9 YouTube channel where on YouTube anyone in the world could go
10 and watch your content; correct?

11 A That is correct.

12 Q But on Patreon if a person wanted to watch your content,
13 they would have to create an account with Patreon; correct?

14 A Yes, and put in their credit card details and personally
15 pay to view the videos.

16 Q And do they just pay Patreon and you get a cut of it or
17 they subscribe to your channel directly and you get paid for
18 that?

19 A I'm not sure of the actual contracting. My husband
20 handles that. That would be a question for him.

21 Q Okay. But all the content you put out on Patreon you get
22 paid for because people -- not from ad revenue but from people
23 subscribing to it; correct?

24 A That is correct.

25 Q And because -- you said for VIPs a minute ago; right?

1 A Yes, ma'am.

2 Q So is part of what you do, you publish exclusive bits of
3 content on Patreon so that people will want to pay to go watch
4 those; is that right?

5 A Yes, ma'am. That's part of it.

6 Q Okay. And then do you also at some point publish that on
7 YouTube or do you leave that on Patreon only?

8 A Depending on the content. It just depends. Sometimes
9 yes.

10 Q Okay. So sometimes you leave it on Patreon, and sometimes
11 you put it on YouTube also; correct?

12 A Yes, ma'am.

13 Q And if you were to put it on YouTube also, then you would
14 also receive ad revenue and the monetization from it being on
15 YouTube; correct?

16 A That is correct.

17 Q Okay. Thank you. All right. So we just heard you say in
18 this video what the fuck, I ain't seen her medical records and
19 nor do I care; correct?

20 A That is correct.

21 Q At the time this video -- so are you -- excuse me. Let me
22 start that over. At the time you're making this statement,
23 are you basically saying you don't care what the medical
24 records say?

25 A That is correct.

1 Q That you're not going to change what you're saying?

2 A That is correct.

3 MS. MATZ: All right. Okay. Let's -- if you can let
4 the clip play a little further, please. Thank you.

5 (Whereupon, a video recording was played.)

6 BY MS. MATZ:

7 Q All right. Let's pause there. You're, in this portion of
8 the video that we just saw, you're referring to Starmarie
9 Jones telling you that she and my client shared underwear?

10 A Yes, ma'am, from the original interview.

11 Q Okay. And that threw you for a loop; correct?

12 A Yes, ma'am.

13 Q You were surprised by that?

14 A Yes, ma'am.

15 Q That seemed kind of strange that they couldn't have their
16 own underwear?

17 A Yes, ma'am.

18 MS. MATZ: All right. Let's keep going.

19 (Whereupon, a video recording was played.)

20 BY MS. MATZ:

21 Q All right. Okay. Now, here you're talking about -- when
22 you said she couldn't stop fucking long enough to get rid of a
23 yeast infection, who are you talking about?

24 A Your client, Cardi B.

25 Q Okay. And you also said that's why people are still up in

1 arms about that interview, referring to the Starmarie Jones
2 interview; correct?

3 A That is correct.

4 Q Because the shit she said, I'm like this is crazy. That's
5 what you said?

6 A That is correct.

7 Q Okay. And then you reference your conversation with
8 Lovely TI again; correct?

9 A That is correct.

10 Q Not the call we heard that was recorded but the original
11 call that you had with her after the interview but before you
12 published the interview; correct?

13 A That is correct.

14 Q Okay. And you said, that's when I heard Lovely TI had
15 documented -- sorry -- had information like saying that you
16 don't know, she don't know her?

17 A That is correct.

18 Q Okay. So you were talking about that Lovely TI had told
19 you that Lovely TI had information that Starmarie Jones didn't
20 know Cardi; is that correct?

21 A That is correct.

22 Q So you did know a little bit before you published that
23 original interview about the content at least of the
24 information that Lovely TI said she had; correct?

25 A That is correct. Everyone --

1 Q All right. Thank you.

2 A -- knew that Cardi B said she didn't know her.

3 MR. SABBAK: Objection, your Honor. She's allowed to
4 answer the question. She's speaking over her.

5 MS. MATZ: It was a yes or no answer.

6 THE COURT: Hold on a second.

7 MS. MATZ: Sure.

8 THE COURT: Objection is overruled.

9 MS. MATZ: All right.

10 THE COURT: Let me just elaborate. The question
11 called for a yes or no answer. No explanation was necessary
12 or really appropriate to the question asked.

13 MS. MATZ: Thank you.

14 Okay. Then you said that you said to Lovely TI,
15 well, I'm like shit, drop it, I don't give a fuck about this
16 bitch, drop it; correct?

17 THE WITNESS: That is correct.

18 BY MS. MATZ:

19 Q And when you say I don't give a fuck about this bitch,
20 you're actually talking about Starmarie Jones; right?

21 A I'm talking about Cardi B.

22 Q Oh, okay. So you're saying even though Starmarie --
23 excuse me. You're saying that even though Lovely TI told you
24 that she had information that was going to contradict the
25 interview you were putting out, your attitude was drop it, I

1 don't give a fuck about Cardi, drop it?

2 A That is correct.

3 MS. MATZ: Okay. Let's go to the same video hour
4 mark, 1 hour 5 minutes and approximately 41 seconds, please.

5 (Whereupon, a video recording was played.)

6 BY MS. MATZ:

7 Q All right. Let's pause. A couple of minutes ago you said
8 when I tried to get the girl back on the phone, she didn't
9 want to do it, so I'm like maybe this story is fake. It's
10 probably fake. But guess what, I didn't make it up.

11 A That is correct.

12 Q Okay. So is it your position that it's okay for you to
13 say things, make statements about other people that other
14 people have told you as long as you didn't make it up?

15 A That is correct.

16 Q Even if you think that that person might be making it up;
17 correct?

18 A That is correct.

19 Q All right. You also said in there that -- you said that's
20 what I heard; correct?

21 A Yes, ma'am.

22 Q And you said, now, if I don't know something, I will
23 literally say allegedly; right?

24 A Yes, ma'am.

25 Q Okay. But in the video that we watched earlier when --

1 the one where you said my client had HPV and had cheated on
2 her husband, you testified that you said that everything else
3 I do, 98 percent on this channel is fact; correct?

4 A That is correct.

5 MS. MATZ: All right. Your Honor, I'm having a
6 natural breaking point. I don't know when --

7 THE COURT: Yeah, I was hoping you were about to.
8 We've been going for about an hour and a half, maybe a minute
9 or two longer, so we'll take a ten-minute recess. We'll come
10 back a little bit after 3:00.

11 MS. MATZ: Is there any way we can make it 20 so I
12 can just figure out what I have left?

13 THE COURT: How about 15? We'll make it 15. So
14 we'll see you at 5 or so after 3:00.

15 MS. MATZ: Thank you, your Honor. I appreciate that.

16 COURTROOM SECURITY OFFICER: All rise.

17 (Whereupon, the jurors exited the courtroom.)

18 THE COURT: We'll break until 10 after 3:00. That's
19 almost 18 minutes. So we'll see you then. Thank you.

20 MS. MATZ: Thank you, your Honor. I very much
21 appreciate that.

22 COURTROOM SECURITY OFFICER: Court stands in recess.

23 (Brief recess.)

24 COURTROOM SECURITY OFFICER: All rise. This
25 honorable court is again in session.

1 THE COURT: Let me take a moment and just say this:
2 It's been reported maybe not -- maybe a misinterpretation,
3 Mr. Sabbak, that at times you've been -- with regard to your
4 client, you've been making motions about either keep talking
5 or don't talk. I don't know if it's true. I do know this:
6 That I have seen you during the course of the last couple of
7 days at times shaking your head yes or no.

8 I didn't think you should be doing it, but I honestly
9 thought that, you know, sometimes when people talk -- when we
10 hear someone talking and we agree with what they're saying,
11 we're shaking yes or we're shaking no. I mean, it can be a
12 natural occurrence, so it wasn't enough for me to say anything
13 to you about it necessarily then. But when I kind of put that
14 in context with what has been reported has occurred as it
15 relates to motions you were making presumably intentionally
16 towards your client, it just causes me to say this. Don't be
17 doing anything. You should never be making any motions at all
18 that have any kind of nonverbal communication, intentionally
19 or otherwise.

20 So to the extent that this is unintentional, I need
21 you to be more aware of your body gestures so that you
22 don't -- it's not -- that someone doesn't think you're doing
23 it. If I see you doing it, you know, from this point forward,
24 I'm probably going to say something to you about it. But just
25 preemptively I wanted to mention what I had noticed so that

1 you could be more careful. All right.

2 Let's bring the jury back, please.

3 COURTROOM SECURITY OFFICER: All rise.

4 (Whereupon, the jurors entered the courtroom.)

5 COURTROOM SECURITY OFFICER: Please be seated and
6 come to order.

7 THE COURT: All right. Thank you. You can proceed.

8 MS. MATZ: May I inquire, your Honor?

9 THE COURT: You certainly may.

10 MS. MATZ: Thank you, your Honor. I appreciate that.

11 All right. I'd like to take a look at Plaintiff's
12 549. And, your Honor, this was already admitted into
13 evidence. I'd like to start around 3 minutes and 5 seconds,
14 please.

15 (Whereupon, a video recording was played.)

16 BY MS. MATZ:

17 Q All right. Let's pause. In this video we just heard you
18 say several times Cold Sore B, we're going to be talking about
19 Cold Sore B tonight, bitch. You heard that?

20 A Yes, ma'am.

21 Q Okay. And you were referring to my client when you said
22 that; correct?

23 A Yes, ma'am.

24 Q Okay. And when you said since y'all should have had a
25 motherfucking gag order, did you hear yourself say that?

1 A Yes, ma'am.

2 Q Okay. And are you essentially saying that to stop you
3 from calling my client Cold Sore B, my client needs to get a
4 gag order?

5 A Yes, ma'am.

6 Q Okay. And when you say gag order, you're talking about an
7 injunction in court; correct?

8 A That is correct.

9 Q All right. Thank you. All right. Let's go to 45 -- I'm
10 sorry -- 27-minute mark.

11 (Whereupon, a video recording was played.)

12 BY MS. MATZ:

13 Q So again here you're calling my client Cold Sore B; is
14 that correct?

15 A That is correct.

16 MS. MATZ: All right. Can we go to 39:58, please.

17 (Whereupon, a video recording was played.)

18 BY MS. MATZ:

19 Q All right. Let's pause. All right. So we just heard you
20 say this is for Cardi; right?

21 A That is correct.

22 Q And you were referring to the ad that during this video
23 you put up on the screen; is that correct?

24 A That is correct.

25 Q And the ad is for Pangaea wash; is that right?

1 A That is correct.

2 Q Am I pronouncing that correctly?

3 A Yes, ma'am.

4 Q Okay. And what is Pangaea wash?

5 A It is a pH balanced foaming vegan cleanser for the vaginal
6 area.

7 Q Okay. So you're saying that -- you're saying that this
8 vaginal wash is for my client; is that correct?

9 A That is correct.

10 Q Okay. Once again referring to my client's genitalia?

11 A That is correct.

12 Q Okay. Now, earlier we talked about the different kinds of
13 advertising that you do and you receive money from. Do you
14 recall that?

15 A Yes, ma'am.

16 Q Okay. And is this another example of a direct
17 advertisement where someone contracts with you directly to
18 place an advertising spot during one of your videos? Is that
19 correct?

20 A Yes, ma'am.

21 Q And in this one you specifically, as you put the
22 advertisement up on the video, called my client out?

23 A Yes, ma'am.

24 Q Okay. And I'm noticing at the bottom left-hand corner of
25 the screen this also says get 10 percent off when you use the

1 code TashaK at checkout. Do you see that?

2 A Yes, ma'am.

3 Q Do you also receive any kind of revenue for people who
4 then use that code?

5 A No, ma'am.

6 Q Okay. So that's a promotion that you do as part of your
7 advertising contract with them generally?

8 A Yes, ma'am.

9 Q Okay. And is the reason they -- do they ask you to put
10 that today code on your advertisements?

11 A Yes, ma'am.

12 Q And is that so that they can track how many viewers are
13 checking out with the discount code that came from you?

14 A Yes, ma'am.

15 Q And is that so that they can make decisions about whether
16 or not continuing to advertise with you is financially good
17 for them; correct?

18 A Yes, ma'am.

19 Q Okay. So obviously the more people that use your code
20 with these advertisers, the more valuable you become to them;
21 correct?

22 A That is correct.

23 Q And you can then demand more advertising dollars from them
24 as you renew your contracts; correct?

25 A You'll have to talk to my husband about that. He deals

1 with the contracts.

2 Q Okay. But, generally speaking, increases in viewership
3 and seeing these ads is good for your brand; correct?

4 A That is correct.

5 Q Okay. Thank you. All right. In the advertisement that
6 we looked at earlier there was an image of my client's face
7 superimposed over it. Do you recall that?

8 A No, ma'am. Can you show me again.

9 Q Sure. All right. Can we please go to Plaintiff's 583,
10 and I believe it was around the 23 minute and 49 second mark.

11 (Whereupon, a video recording was played.)

12 BY MS. MATZ:

13 Q All right. You can pause. Does this refresh your
14 recollection?

15 A Yes, ma'am.

16 Q Okay. So my client's image is superimposed over the
17 advertisement; correct?

18 A Yes, ma'am.

19 Q And you oftentimes use images of my client during your
20 videos when you're talking about her; is that right?

21 A Yes, ma'am.

22 Q And that's so that people, to the extent they don't hear
23 you say Cardi B or something like that, know who the segment
24 is about; is that right?

25 A Could you repeat the question. I'm trying to hold back a

1 sneeze. Okay. Go ahead. Repeat the question. Sorry.

2 Q I said and that is so viewers, when they are viewing the
3 video, to the extent they don't hear exactly who you're
4 talking about, they know by looking at the screen; is that
5 right?

6 A That is correct.

7 Q Okay. And do these photos also drive engagement to your
8 platform?

9 A No, ma'am.

10 Q Okay. And do you get licenses for these photos?

11 A No, ma'am.

12 Q You take them off the internet; right?

13 A Yes, ma'am.

14 MS. MATZ: Okay. Let's look at Plaintiff's 651,
15 okay, and go to minute mark 17.

16 (Whereupon, a video recording was played.)

17 BY MS. MATZ:

18 Q All right. Let's pause. At the beginning of that clip we
19 heard you say I didn't give a fuck about her feelings; is that
20 correct?

21 A That is correct.

22 Q And you're talking about my client, Cardi B; correct?

23 A That is correct.

24 Q And then towards the end when you were saying I did kind
25 of hit her hard, that video got like 5 million views, you

1 heard that; right?

2 A That is correct, yes, ma'am.

3 Q And you're talking about the Starmarie Jones interview; is
4 that right?

5 A Yes, ma'am.

6 Q Okay. And you're acknowledging -- when you're talking
7 about this, you're acknowledging that the video hit Cardi kind
8 of hard; is that correct?

9 A Yes, ma'am.

10 Q Okay. And then you say -- well, you made a comment in the
11 middle of there about how she was young, and at that age you
12 might have cared but at your age you don't give a shit. You
13 heard that; right?

14 A Yes, ma'am. I heard that.

15 Q Okay. And are you saying that you understand that if you
16 had been younger and somebody was saying that about you, it
17 might have bothered you, but now you're at an age where you
18 don't care?

19 A Can you repeat that. I'm sorry.

20 Q Sure. I said were you essentially saying that if you were
21 younger, someone saying that about you or doing that to you
22 might have bothered you, but now you're at an age where, as
23 you said, you don't give a shit?

24 A Yes, ma'am. That's what I said in the video.

25 Q Okay. And you acknowledge that my client is younger than

1 you; correct?

2 A Yes, ma'am.

3 Q Do you know how old she is?

4 A I believe almost 30, if I'm not mistaken.

5 Q Okay. And when this occurred, she was in her, what, late
6 20s?

7 A Probably around 26, 27, I believe.

8 Q Okay. Then you also said -- you said, I did kind of hit
9 her hard. That video got like 5 million views, but she gave
10 it life?

11 A That is correct.

12 Q Okay. And when you're saying she gave it life, are you
13 saying that part of the reason so many people watched it is
14 because my client did something?

15 A That is correct, yes, ma'am.

16 Q And is what she did getting in your DMs and go online and
17 talk about it?

18 A That is correct.

19 Q Okay. So you're essentially saying -- and I believe we
20 heard you say this in another video earlier -- that she should
21 have just left it alone. Is that what you're saying?

22 A That is correct.

23 Q So your testimony is that the fact that so many people
24 have seen this video is my client's fault?

25 A That is correct.

1 Q All right. But you you've also acknowledged that you've
2 done a lot of promotion for this video; correct?

3 A That is correct.

4 MS. MATZ: Okay. If we can go to 11:40.

5 (Whereupon, a video recording was played.)

6 BY MS. MATZ:

7 Q All right. Let's pause. So in this call where you said I
8 swear I'm just being petty just to be motherfucking petty, you
9 heard yourself say that?

10 A Yes, ma'am.

11 Q And you're talking about not taking the video down of my
12 client?

13 A Yes, ma'am.

14 MS. MATZ: Okay. All right. If we can go to
15 Exhibit 649 -- excuse me -- Exhibit 649. And, your Honor, I'd
16 like it if the witness could just watch a moment of this
17 first.

18 THE COURT: I'm sorry?

19 MS. MATZ: Could the witness just see a moment of
20 this first?

21 THE COURT: Sure. With or without sound? Because if
22 there's sound, everyone is going to hear it.

23 BY MS. MATZ:

24 Q Well, do you recognize the cover of this page?

25 A Yeah. That's my opening, yes, ma'am.

1 Q Okay. So this is the opening of a video that you posted?

2 A Yes, a video. I'm not sure which video it is.

3 THE COURT: Why don't you turn the sound down and
4 play 10 seconds of it and let her see if she can identify this
5 being her video.

6 MS. MATZ: Great. Thank you, your Honor. I
7 appreciate that.

8 MS. IZMAYLOVA: Your Honor, I think it's still
9 projected to the jury, though.

10 THE COURT: No. We can play it without the jury
11 seeing it. So just play it without the jury seeing it with no
12 sound.

13 THE WITNESS: I can see it. I saw the --

14 THE COURT: So ask your foundational questions then.

15 BY MS. MATZ:

16 Q Yeah. Is this a copy of a recording you published on your
17 YouTube channel?

18 A Yes, ma'am.

19 MS. MATZ: Okay. Your Honor, I'd offer this into
20 evidence.

21 THE COURT: 649?

22 MS. MATZ: Yes.

23 THE COURT: Any objection?

24 MR. SABBAK: No objection.

25 THE COURT: Plaintiff's 649 is admitted without

1 objection.

2 (Whereupon, Plaintiff's Exhibit 649 was marked for
3 purposes of identification and admitted into evidence.)

4 MS. MATZ: Thank you, your Honor. All right. If we
5 can go to 1 hour and 9 minutes, please.

6 (Whereupon, a video recording was played.)

7 BY MS. MATZ:

8 Q All right. Let's pause for just one moment. Who is
9 this -- well, who's on the left-hand side of the screen?

10 A This is an artist and entertainer. She goes by the name
11 of Jessie Woo.

12 Q And that's you on the right-hand side of this; is that
13 correct?

14 A That is correct.

15 Q And is -- are you interviewing her?

16 A Yes, ma'am.

17 Q Okay. And was this pre-recorded?

18 A Yes, ma'am.

19 Q So the content in this video, you knew what you said in it
20 before you posted it online; correct?

21 A That is correct.

22 MS. MATZ: Great. Let's go ahead.

23 (Whereupon, a video recording was played.)

24 BY MS. MATZ:

25 Q Okay. When you were talking with this young woman in this

1 video and she said she never makes any commentary with
2 malicious intent and you responded that sometimes you do, is
3 that what we heard you say?

4 A That is correct.

5 Q And were you talking about my client at all in this
6 interview?

7 A No, ma'am.

8 Q Okay. Do you think that that's applicable to my client?

9 A No, ma'am.

10 MS. MATZ: Okay. Let's go to Exhibit 606. I believe
11 it's admitted into evidence already.

12 THE COURT: This is the same video; right?

13 MS. MATZ: Yeah. We're just playing a different
14 clip.

15 Okay. If we can go to 11:08.

16 (Whereupon, a video recording was played.)

17 BY MS. MATZ:

18 Q All right. Let's pause for a minute. When you said now
19 the baby story, you know, they gave that to me so I put it
20 out?

21 A That is correct.

22 Q And when you're talking about the baby story, you're
23 talking about the video we watched earlier; is that correct?

24 A That is correct.

25 Q The video where you said that my client had HPV and

1 cheated on her husband; correct?

2 A That is correct.

3 Q All right. And you said that -- so this video was posted
4 on September 24th. At this point you were still saying you
5 know they gave that to me, yeah?

6 A That is correct.

7 Q Okay. And then you said so I put it out. I wanted to let
8 them know who was still the queen; is that correct?

9 A That is correct.

10 Q And when you said I wanted to let them know who was still
11 queen, you're referring to yourself as who's still queen;
12 right?

13 A That is correct.

14 Q In that comment, who's still queen, are you talking about
15 the fact that you still have the power to upset my client?

16 A That is correct.

17 Q Okay. All right. So earlier you said that you thought
18 that the video that we watched where you admitted that you
19 made up fake stories and you repeated again that you knew my
20 client was fucking somebody else, you testified that you
21 thought that was a retraction; right?

22 A Can you repeat that question? I got a little confused at
23 the beginning.

24 Q Sure. I said earlier you testified that the video that we
25 watched where you were talking about the fact that you knew

1 the other video was fake and you put it out anyways and where
2 you repeated that my client -- you knew she was fucking
3 somebody else, you testified that you thought that was a
4 retraction; right?

5 A Yes, ma'am.

6 Q Okay. And that was published on September 21st of 2020;
7 correct?

8 A I believe so.

9 Q And so several days later, on September 24th, you're still
10 giving interviews about those videos; correct?

11 A That is correct.

12 Q So you are still giving them life; correct?

13 A That is correct.

14 Q And driving viewers to see them; correct?

15 A That is correct.

16 MS. MATZ: All right. If we can take a look at
17 Exhibit 625. All right. Your Honor, I'm about to show you
18 what's been previously marked as Exhibit 625. This was
19 stipulated to by Request for Admission 126, I believe.

20 THE COURT: So the plaintiff moves this exhibit. Any
21 objections?

22 MR. SABBAK: Objection, your Honor. This violates
23 the Court's pretrial order.

24 THE COURT: Do you need to have a discussion off the
25 record?

1 MR. SABBAK: Yes, your Honor.

2 THE COURT: Can we do it on side bar?

3 MR. SABBAK: Yes, sir.

4 (Whereupon, a bench conference was held between the
5 Court and counsel.)

6 MS. MATZ: Are they switching attorneys, your honor?

7 THE COURT: Yeah. Well, they've been doing it all
8 along. We're not going to do it after this witness.

9 MR. SABBAK: So the pretrial --

10 THE COURT: You've got to be a little bit louder.

11 MR. SABBAK: Sorry. In the pretrial order we
12 discussed several other --

13 THE COURT: Can you hear? You've got to be louder
14 for her.

15 MR. SABBAK: I'm trying. Sorry. In the pretrial
16 order, Judge, we discussed any other evidence where Ms. Kebe
17 retracted stories; right? And one of them is Creflo Dollar
18 and another one is a Chris Brown story. This video on their
19 witness list has to do with the Creflo Dollar. Your Honor has
20 already ruled all of that inadmissible. They're trying to
21 bring it in now.

22 THE COURT: So what's in this video that you're going
23 to ask her about?

24 MS. MATZ: There's a clip where she says if anybody
25 watches Tasha K -- I actually need to grab my computer to tell

1 you exactly.

2 THE COURT: Well, let me ask, is it going to be about
3 any other stories that are about your client that she
4 retracted?

5 MS. MATZ: It's just about her general -- she just
6 says I won't take stuff down. But it wasn't -- my
7 understanding of the pretrial order -- and I have to play
8 this. But my understanding is that we weren't allowed to --
9 the motion they made was about we weren't allowed to bring in
10 other accusations of defamation to like prove it up there was
11 some sort of a pattern, which makes sense because at the end
12 of the day, like, whether or not someone actually defamed --
13 was defamed in another case, especially if there was a
14 judgment or something like that, wouldn't -- it would just be
15 a whole confusing issue for the jury, which I totally
16 understand. But the clip I'm playing only has to do with her
17 saying I won't take anything down so --

18 THE COURT: But does she talk about other cases?

19 MS. MATZ: Well, I wasn't intending to play any of
20 those clips but --

21 MR. SABBAK: I think she's gotten that in, though.

22 MS. MATZ: What?

23 MR. SABBAK: You've gotten that fact in, I believe.

24 THE COURT: About other people?

25 MR. SABBAK: She just -- in other videos.

1 THE COURT: I think the only one that's ever really
2 mentioned anyone else has been the defendant. She mentioned
3 Creflo -- I guess that's Creflo Dollar, a well known
4 evangelist.

5 MS. MATZ: And that wasn't necessarily a defamation
6 claim. My understanding was the Chris Brown one that was
7 actually --

8 MR. SABBAK: Are in the same category, those things
9 that have to do with outside cases where my client made a
10 retraction. None of that is admissible.

11 MS. MATZ: I'm not talking about making retractions.
12 I'm talking about --

13 THE COURT: You're talking about what?

14 MS. MATZ: I said I'm just talking about her making
15 statements that she will not take anything down. That's all.

16 THE COURT: Well, that's not really -- that's not a
17 retraction but that's --

18 MR. SABBAK: Also applies to --

19 THE COURT: It's close, akin to it.

20 MS. MATZ: I don't have to play it. It's okay.

21 THE COURT: Well, I mean, okay. So the point that --
22 the point that you want to make, that she doesn't take crap
23 down, she's made that herself over and over and over again
24 today. And so if -- I agree with the defendant that if it's
25 going to be talking about other situations where people have

1 threatened defamation against her, that should not come in.

2 MS. MATZ: I wasn't planning on playing that part
3 because I'm -- you know, I understand. And I'm sorry. You
4 made another comment. The thing that was played in the other
5 video, I disagree with that. Also, you guys didn't object.
6 And, frankly, what she said in the other video had nothing to
7 do with retraction. What she said was I also knew that story
8 was fake, and it has nothing to do with being accused of
9 defamation or retraction or anything else. She's talking
10 about her own habits of putting up videos that are fake.

11 THE COURT: Let me just say this. I haven't seen
12 the video, so I don't know what it says. If it doesn't
13 include language in it that would imply or state that someone
14 has made a demand for a retraction and threat of a lawsuit --

15 MS. MATZ: It did not.

16 THE COURT: -- then you decide whether you're going
17 to admit it or not but --

18 MS. MATZ: We already admitted it. He made a comment
19 that I just wanted to make sure I responded to because --

20 THE COURT: This video has been -- no, this video --

21 MS. MATZ: This is not being --

22 THE COURT: All I'm talking about is what we have
23 before us, which is 625. So if you want to admit it --

24 MS. MATZ: Your Honor, you're right. She's made the
25 point.

1 THE COURT: Okay. All right.

2 (Whereupon, the following proceedings continued in
3 open court.)

4 MS. MATZ: All right. We are going to look at
5 Exhibit 521.

6 THE COURT: Before we move on I've got to make sure
7 my notes are correct. So I've got marked down that I admitted
8 625, but I don't remember checking it because there was an
9 objection made. Maybe I checked it in error. Was it entered
10 into evidence earlier?

11 MS. MATZ: No. This was not, your Honor. So that's
12 not in evidence.

13 THE COURT: It's not admitted. It was tendered but
14 objected to, and it hasn't been admitted?

15 MS. MATZ: It hasn't been what? No, it has not been
16 admitted, and we're going to move on.

17 THE COURT: Okay. Thank you.

18 MS. MATZ: Okay. We are going to look at Exhibit 521
19 which has been stipulated to by Request for Admission -- I'm
20 just trying to see if it was already admitted. All right.
21 This has not been previously admitted, your Honor, but this
22 was stipulated to by Request for Admission No. 3. And I would
23 offer it into evidence?

24 THE COURT: Any objection?

25 MR. SABBAK: No objection.

1 THE COURT: 521 is admitted without objection.

2 (Whereupon, Plaintiff's Exhibit 521 was marked for
3 purposes of identification and admitted into evidence.)

4 MS. MATZ: Okay. If we can go to Time Code 14:09.

5 (Whereupon, a video recording was played.)

6 BY MS. MATZ:

7 Q All right. Let's pause. You posted this in the late fall
8 of 2018; correct?

9 A I believe so, yes, ma'am.

10 Q Okay. And this was -- what you're discussing in this
11 video about Cardi B being in the comments, you're talking
12 about comments related to your Starmarie Jones video; correct?

13 A That is correct.

14 Q And I'm sorry. I should correct myself. The Starmarie
15 Jones interview; correct?

16 A That is correct.

17 Q And in this video you said, holy shit, it's really going
18 to bring some motherfucking views. You saw that?

19 A That is correct.

20 Q Okay. So after you published the Starmarie Jones video --
21 interview and my client started responding, you felt that that
22 helped drive traffic to your platform; right?

23 A Yes, ma'am.

24 Q Okay. And then after that, you continued to post about my
25 client and that interview; correct?

1 A Yes, ma'am.

2 Q Okay. And was that in the hopes that continuously posting
3 about this subject would drive even more traffic and viewers
4 to your platform?

5 A That is correct.

6 Q And even more ad revenue?

7 A That is correct.

8 Q Okay. So again you were also trying to increase
9 significantly the number of people who would see the Starmarie
10 Jones interview where you published Starmarie's statements
11 that my client had herpes and used cocaine and was a
12 prostitute; correct?

13 A Yes, ma'am.

14 MS. MATZ: Okay. If we could please look at
15 Plaintiff 579. Your Honor, this has not been previously moved
16 into evidence, but it was stipulated to by Request for
17 Admission No. 80, 8-0.

18 THE COURT: Any objection to Plaintiff's 579?

19 MR. SABBAK: N objection, sir.

20 THE COURT: 579 is admitted.

21 MS. MATZ: Thank you, your Honor.

22 (Whereupon, Plaintiff's Exhibit 579 was marked for
23 purposes of identification and admitted into evidence.)

24 MS. MATZ: Okay. If we could look at approximately 5
25 minutes and 57 seconds, please.

1 (Whereupon, a video recording was played.)

2 BY MS. MATZ:

3 Q Can you pause that for a minute. The video wasn't
4 synchronized right there for a moment, but the who was Cardi's
5 side peen, he works for Atlantic, he's high up on the Richter
6 scale, that was your voice; correct?

7 A That is correct.

8 Q Okay. And when you said who is Cardi's side peen -- first
9 of all, you're obviously referring to my client; correct?

10 A That is correct.

11 Q And were you reading a question?

12 A Yes, from the comment section.

13 Q Okay. And was this video on --

14 THE COURT: Let's do that. Let's explain how that
15 works. It just seems to me that at times when she's looking
16 at her computer screen, I'm guessing that there are comments
17 that are being posted by viewers contemporaneous. I don't
18 know if I'm right or not, but if I am right or if I'm wrong,
19 you could ask some questions to clarify how that works.

20 MS. MATZ: I was actually just going to. I was going
21 to ask her what platform it was on, but thank you, your Honor,
22 I appreciate that.

23 Was this video on Patreon or YouTube?

24 THE WITNESS: I believe this one was on Patreon.

25 BY MS. MATZ:

1 Q And on Patreon can people write in and ask you questions
2 while you're doing a video?

3 A Yes, ma'am.

4 Q And does that happen live or do they send them in in
5 advance?

6 A It's a live stream, and the comments come up on the screen
7 as you're talking. Pretty much every platform has it that
8 way.

9 Q Okay. And so what else is on your screen?

10 A You mean during -- while the comments are coming up?

11 Q Yeah, while you're making the video.

12 A Just me and the comments on the side, and, you know, in
13 this particular video we just kind of cropped them down.

14 Q Okay. And then do they come up in a list?

15 A What do you mean a list?

16 Q Well, I mean, you said they come up. Like, do they come
17 up chronologically? How do they look?

18 A Yes. As people make comments randomly, you know, they
19 just scroll. They move pretty fast.

20 Q And when you say they move pretty fast, you mean that
21 Patreon's system of having comments sent in, scrolls upwards
22 as new comments come in; correct?

23 A No, ma'am. That's not Patreon's system. This is
24 StreamYard system. It's a third party app that we sync to
25 Patreon. Patreon doesn't have any video streaming software at

1 all.

2 Q Okay. But the app that you use, they stream in and
3 essentially scroll up the page?

4 A Yes, ma'am, that is correct.

5 Q I'm just trying to give the jury an idea of what visually
6 it could look like.

7 A No problem.

8 Q And when you said they move pretty fast, you mean that
9 because a lot of comments could be coming in, that the scroll
10 could be moving quickly; is that right?

11 A Yes, ma'am, thousands per se.

12 Q Okay. And in order to send you a comment and view your
13 live stream on Patreon, someone has to subscribe to your
14 channel; correct?

15 A That is correct.

16 Q All right. And so all of the people who are sending you
17 comments are subscribers to you, and you get revenue from
18 this; correct?

19 A No, ma'am.

20 Q People can send in comments without being subscribers?

21 A Anybody can come into a live stream. They don't have to
22 subscribed necessarily.

23 Q Okay. So are there any special perks for live streams for
24 subscribers?

25 A Repeat that question.

1 Q Are there any special perks or any type of exclusivity
2 that subscribers get during a live stream?

3 A No, ma'am.

4 Q Okay. And do people have to pay to send comments or they
5 can just send them?

6 A They can send them. It's a free forum.

7 Q Okay. So when you were looking at your screen and you
8 said who is Cardi's side peen, was that a question? Well,
9 you've described them as comments. Are they often also
10 questions?

11 A Yes. That is correct.

12 Q Okay. And so when you were looking at the screen and
13 saying who is Cardi's side peen, was that a question that was
14 written in?

15 A That was a question that was written on the screen.

16 Q Okay. And so when you said he works for Atlantic, he's
17 high up on the Richter scale, you were answering that
18 question; correct?

19 A That is correct.

20 Q Okay. And when the question being who is Cardi's side
21 peen -- and again forgive my language but are you talking --
22 when you say peen, p-e-e-n, are you talking about male
23 genitalia?

24 A Yes, ma'am, penis.

25 Q Okay. Thank you. And so the intonation behind this

1 question, or at least as you understood it when you were
2 answering it, is who is my client sleeping with on the side
3 other than her husband; correct?

4 A That is correct.

5 Q Okay. And this was published close to the time that you
6 published the story that my client had HPV and was cheating on
7 Offset that we looked at earlier; correct?

8 A That is correct.

9 MS. MATZ: Okay. Can we go to Time Code 24 minutes
10 and 30 seconds.

11 (Whereupon, a video recording was played.)

12 BY MS. MATZ:

13 Q All right. Let's pause for a minute. Okay. When you
14 said Cardi is sleeping with somebody else, who was the other
15 person in the room with you?

16 A There was about five other people in the room with me.

17 Q Sorry. Was there anyone physically in the room with you?

18 A Yes, ma'am.

19 Q Okay. And there were 500 people in the room?

20 A No, ma'am. There were five people.

21 Q I'm sorry. I misheard you.

22 A Sorry about that.

23 Q It's okay. There were five people in the room with you?

24 A Yes, ma'am, I believe that day.

25 Q And do you know who they were? Do you remember any of

1 them?

2 A You mean the person who asked me the question --

3 Q Yeah.

4 A -- because that came from the comment section. That
5 didn't come from in the room.

6 Q You didn't hear -- no, no, no. Sorry. Not the question.
7 After you said Cardi is sleeping with somebody else, did you
8 hear someone say you don't know that?

9 A No, ma'am. Could you play that again?

10 Q Yeah, sure. Can we turn the volume up a little.

11 (Whereupon, a video recording was played.)

12 BY MS. MATZ:

13 Q You hear that? Did you hear that?

14 A Yes, ma'am.

15 Q You heard someone say you don't know that?

16 A Yes, ma'am.

17 Q Okay. And was that person physically in the room with
18 you, that voice we heard?

19 A Yes, ma'am.

20 Q And do you know who that was? Do you recall?

21 A It was either Jasmine or my husband at the time. The
22 voice was kind of deep so -- or Mike because, you know, I
23 don't know who -- I don't remember who actually said that
24 comment.

25 Q Okay. But it was one of the people who was in the room

1 while you were recording?

2 A Yes, ma'am.

3 Q Okay. And then you responded but I do, my source told me
4 that, when have my sources lied to me; correct?

5 A That is correct.

6 Q But you had just published a video that you admit you knew
7 was fake before you published it; correct?

8 A Yes, ma'am. This was concerning a different story.

9 Q Okay. A different story of my client sleeping with
10 someone else?

11 A That is correct.

12 Q Okay. But you had just had an instance where a source was
13 giving you information that you knew was false?

14 A That is correct.

15 Q So were you being a little facetious when you said when
16 have my sources lied to me?

17 A Repeat that again.

18 Q Were you being facetious when you said when have my
19 sources lied to me?

20 A No, ma'am.

21 MS. MATZ: Okay. Can we please go back to 576. And,
22 your Honor, I believe -- I'll double check, but I believe this
23 was already admitted.

24 THE COURT: 576 has been admitted previously.

25 MS. MATZ: Thank you, your Honor. All right. Can we

1 please go to Time Code 51:50.

2 (Whereupon, a video recording was played.)

3 BY MS. MATZ:

4 Q So you're showing a picture here of my client having
5 whited out the hashtag or Cold Sore B?

6 A That is correct.

7 Q But you acknowledge that there's many other instances in
8 this video where you went ahead and called her that; correct?

9 A That is correct.

10 MS. MATZ: Okay. We are going to take a look at 655
11 and if we could turn the -- don't publish this to the jury
12 yet. If we could turn the volume down and have you look at it
13 for a moment.

14 MS. IZMAYLOVA: What was the number?

15 MS. MATZ: It's Plaintiff's 655.

16 (Whereupon, a video recording was played.)

17 THE WITNESS: Yes. I know this video. Sorry. I
18 forgot you even asked that.

19 BY MS. MATZ:

20 Q No, no. I was just letting you look at it for a moment.
21 And is this a video that you created?

22 A That is correct.

23 Q And was it published on one of your platforms?

24 A Yes, our main channel, I believe, if I'm not mistaken.

25 MS. MATZ: Okay. I'd offer this into evidence, your

1 Honor.

2 THE COURT: Any objection?

3 MR. SABBAK: Objection, your Honor. Pretrial order.

4 THE COURT: All right. If y'all will approach,
5 please.

6 (Whereupon, a bench conference was held between the
7 Court and counsel.)

8 THE COURT: You need to be close enough to the mike.

9 MR. SABBAK: Sorry, Judge. Let's see, which number
10 did you say?

11 MS. MATZ: 651.

12 THE COURT: I'm sorry. I thought you said 655.

13 MS. MATZ: I did. I'm sorry, your Honor. I
14 apologize.

15 MR. SABBAK: 655, that's what you said.

16 MS. MATZ: Sorry.

17 MR. SABBAK: First of all, I'm not sure -- none of
18 this is about her, our client, unless she has something
19 specific. But I'm going back to the same pretrial order that
20 we were up here before. This is opening the door again to
21 something your Honor excluded, which I guess might be
22 redactions or retractions or times when my client released a
23 fake story. I have no idea what she -- but they have nothing
24 to do with the case that we're here for.

25 MS. MATZ: I'm sorry. Is your objection that it has

1 nothing to do with the case --

2 MR. SABBAK: -- the pretrial order.

3 MS. MATZ: I'm trying to find out which provision
4 because I'm sorry, your Honor, I'm just -- he's talking really
5 fast, and I'm not understanding what the violation is.

6 MR. SABBAK: The violation is you want to discuss a
7 time when my client --

8 MS. MATZ: I'm sorry. Can I ask you this?

9 MR. SABBAK: When my client allegedly pled to the
10 story or had to make a redaction or something like that.

11 MS. MATZ: No, I'm not.

12 MR. SABBAK: What are you playing it for?

13 MS. MATZ: I'm playing it because -- let me get the
14 quote up.

15 MR. SABBAK: Her name is in the title.

16 MS. MATZ: Just because her name is in the title
17 doesn't mean that she's not in the document. The clip we were
18 planning on playing is the clip where it's everything we did
19 on Cardi is mother F-ing true -- sorry. I'm trying to --

20 MR. SABBAK: She said that before, Judge. You have
21 played that repeatedly.

22 THE COURT: You don't get to decide what they play
23 and what they don't. So what's your objection? That doesn't
24 violate anything pretrial -- whoa, whoa, whoa. Wait a minute.
25 Okay. When I'm talking, nobody else talk, please. That

1 doesn't violate the pretrial order to have her say something
2 that she may have already said; right?

3 MR. SABBAK: Yes. But what she's trying to do is
4 introduce the entire exhibit, which has things in it that do
5 violate the pretrial order.

6 THE COURT: Well, it is problematic if there's things
7 in it that aren't admissible but -- and that only becomes an
8 issue if the jury wants to see it. But what's going to happen
9 is if they want to see it again, and, honestly, I don't think
10 they are going to want -- I think at the end of the trial the
11 jury is going to decide what they believe. Do they think that
12 she committed defamation, yes or no; do they think that
13 plaintiff was damaged, yes or no. And I think they're going
14 to have to look back at the videos to make that decision. And
15 you'll both have the availability to play parts of the videos
16 that have been admitted and played before the jury to do that
17 again during your closing if you want. You only have so much
18 time, so you have to make those decisions.

19 But we're not going to send out the whole video to
20 them. They're going to have to ask us what they want played,
21 if they want it played again during jury deliberations, and
22 we're only going to play the stuff that's been specifically
23 given to them before, which means played for them before.
24 Okay?

25 MR. SABBAK: Okay. All right.

1 MS. MATZ: Your Honor, that's why I've been calling
2 out the time codes. And I'm not going to show other parts of
3 the video and list all of her videos. She talked about a lot
4 of different things, and we've been trying to keep it focused
5 on the portions that --

6 THE COURT: All right. So you still have an
7 objection then?

8 MR. SABBAK: Not after your Honor's specification.
9 Thank you, Judge.

10 THE COURT: All right.

11 MS. MATZ: Your Honor, can I just -- I just want to
12 go back to my table, if you don't mind, because I'd like to
13 make sure the time code is right because obviously I don't
14 want there to be any mis --

15 THE COURT: Okay.

16 (Whereupon, the following proceedings continued in
17 open court and there was a brief pause.)

18 MS. MATZ: Your Honor, if you could just indulge us
19 for one moment, we're just going to check that time code.

20 THE WITNESS: Your Honor? Your Honor, is it okay if
21 I use the restroom? I've been trying to hold it.

22 THE COURT: Sure. Why don't we -- we'll just take a
23 quick recess. We're still not going to go past 5:00, but
24 we'll still take a ten-minute recess.

25 THE WITNESS: Thank you so much.

1 MS. MATZ: Thank you, your Honor.

2 COURTROOM SECURITY OFFICER: All rise.

3 (Whereupon, the jurors exited the courtroom.)

4 THE COURT: All right. Why don't you go ahead and
5 go.

6 THE WITNESS: Thank you.

7 THE COURT: Let me just talk quickly about an issue
8 that kind of came up in the last hour, an issue about
9 different counsel being involved and the discussions relative
10 to a witness. Ms. Matz raised that question the first time
11 the objection came, during the last hour. You can go
12 ahead and go.

13 THE WITNESS: Okay. Thank you.

14 THE COURT: You can stay if you want, but I don't
15 think you're going to find this too interesting.

16 You know, federal courts generally ask specifically
17 to utilize a one-witness one-lawyer rule. That had already
18 been violated when Ms. Matz asked about it but -- so after
19 this witness, the person that stands up and objects at the
20 table or, you know, concedes to the admissibility of evidence
21 is the same person that needs to approach when you approach,
22 we don't have two different lawyers doing it, in addition to
23 not having two different lawyers come up at the same time for
24 the same side. Okay. So let's keep it consistent from this
25 point forward. All right.

1 MS. IZMAYLOVA: Yes, sir.

2 THE COURT: All right. Thank you.

3 MS. MATZ: Thank you, your Honor.

4 THE COURT: We'll take a ten-minute recess.

5 COURTROOM SECURITY OFFICER: Court stands in recess.

6 (Brief recess.)

7 COURTROOM SECURITY OFFICER: All rise.

8 THE COURT: All right. Thank you, sir.

9 MS. MATZ: All right. I believe the witness had said
10 she recognized the video. I had just offered it into evidence
11 and that was where we --

12 THE COURT: You've got to remind me the number.

13 MS. MATZ: Oh. The jury is not here.

14 THE COURT: Yeah, but just tell me what number it
15 was.

16 MS. MATZ: Oh. It was Plaintiff's 655, your Honor.

17 THE WITNESS: Ms. Matz, this video right here, is
18 this the one we're talking about?

19 MS. MATZ: Yes.

20 THE WITNESS: Okay. Thank you.

21 COURTROOM SECURITY OFFICER: All rise.

22 (Whereupon, the jurors entered the courtroom.)

23 COURTROOM SECURITY OFFICER: Please be seated and
24 come to order.

25 THE COURT: All right. Thank you. So you had a

1 motion as it related to a document or exhibit?

2 MS. MATZ: Yes. I had requested to move Exhibit 655
3 into evidence.

4 THE COURT: All right. 655 is admitted.

5 (Whereupon, Plaintiff's Exhibit 655 was marked for
6 purposes of identification and admitted into evidence.)

7 BY MS. MATZ:

8 Q Okay. I'm going to play you a very short clip. The time
9 code -- well, first of all, before we start this you said that
10 this is a video that you published; correct?

11 A That is correct.

12 Q On your YouTube channel?

13 A I believe so.

14 Q And this is a somewhat recent video; correct? This was
15 published in the fall of 2021?

16 A I don't remember the exact date.

17 Q Okay. Do you recall that it was later in 2021, though?

18 A I don't recall. I post so many videos.

19 MS. MATZ: All right. We're going to start a clip at
20 1 hour, 11 minutes, and 15 seconds.

21 (Whereupon, a video recording was played.)

22 BY MS. MATZ:

23 Q Okay. So in this video you are conveying to viewers that
24 everything you did on Cardi is, in your words, motherfucking
25 true; is that correct?

1 A That is correct.

2 Q Okay. All right. On October 2nd of 2020, you received a
3 third cease and desist letter from my client; is that true?

4 A I believe so, yes.

5 Q If we could please look at P-235. And I will just read
6 into the record that it is a stipulated fact that on
7 October 2nd of 2020 plaintiff's counsel sent Kebe's counsel a
8 third letter. Actually, you know what, pull up P-236, please.

9 All right. If you can, please take a look at this
10 document, Ms. Kebe. Have you ever seen this before?

11 A Yes, I have.

12 Q Okay. And this is a copy of the letter that was sent to
13 your counsel on October 2nd of 2020; correct?

14 A That is correct.

15 Q From the Moore Firm; is that correct?

16 A That is correct.

17 Q And you understand that to be co-counsel for my client,
18 Cardi B, in this case?

19 A That is correct.

20 Q Okay. When you got this letter, do you recall testifying
21 that you didn't really read it?

22 A That is correct.

23 Q Okay. But you were aware nevertheless that the letter was
24 demanding retraction of certain statements; is that correct?

25 A That is correct.

1 Q Okay. And you understood that among the statements in
2 this letter that my client was demanding take down and
3 retraction of were statements that you had made since the
4 second letter that we looked at earlier; is that correct?

5 A I believe so.

6 Q And you understood that that included that you take down
7 or retract statements that my client was fucking herself with
8 beer bottles?

9 A No, ma'am. I wasn't sure on what actual statement.

10 MS. MATZ: Okay. I'm sorry. I'd offer this -- did I
11 move this in?

12 THE COURT: Is this -- I'm confused. Is this 235 or
13 236?

14 MS. MATZ: This is 236, your Honor.

15 THE COURT: Any objection?

16 MR. SABBAK: No objection, sir.

17 THE COURT: 236 is admitted.

18 MS. MATZ: Thanks.

19 (Whereupon, Plaintiff's Exhibit 236 was marked for
20 purposes of identification and admitted into evidence.)

21 BY MS. MATZ:

22 Q Before I start reading from it can you go to the next
23 page. Have you ever seen this before?

24 A Something similar to it, the first one you showed earlier,
25 I believe yesterday, if I'm not mistaken.

1 Q But you understand -- you understood this to be a list of
2 the statements that my client was demanding retraction of; is
3 that correct?

4 A Yes, ma'am.

5 Q Okay. And did you remove any of these from your YouTube
6 channel, Twitter or any other social media platform?

7 A Yes, ma'am.

8 Q And did you issue any retraction or repudiation?

9 A No, ma'am.

10 Q And do you recall testifying that you didn't really look
11 at the statements that were being asked for you to retract
12 because you had no intention of retracting them?

13 A That is correct.

14 Q All right. And you also recall testifying that regardless
15 of the reason behind any particular statements, you gave
16 testimony that you weren't taking the videos down; correct?

17 A That is correct.

18 Q All right. And do you also recall testifying that you
19 didn't really go through them, I just told you, you know, Olga
20 to, quote, to tell you guys to fuck off?

21 A Is that a question? Sorry.

22 Q Yes. Do you recall giving that testimony during your
23 deposition in this case?

24 A That is correct.

25 Q That's the testimony you gave; correct?

1 A Yes, ma'am.

2 Q Could we look at Plaintiff 325. Okay. Have you ever seen
3 this before?

4 A I don't remember. No, ma'am.

5 Q Are the -- do you see at the top of the screen it says
6 unWinewithTashaK? Do you see that?

7 A Yes, ma'am.

8 Q Is that a comment you posted?

9 A Below -- under the realtortishamack?

10 Q At the very top and then, yes, in the middle as well.

11 A Yes, ma'am.

12 Q Those are two comments that you posted on Instagram under
13 your unWinewithTashaK handle; correct?

14 A That is correct.

15 Q And you authored those; correct?

16 A I'm sorry. Say that again.

17 Q You authored those? You wrote them?

18 A Yes, ma'am.

19 MS. MATZ: Okay. Your Honor, I'd offer this into
20 evidence, Plaintiff's 325.

21 THE COURT: Any objection?

22 MR. SABBAK: No, sir.

23 THE COURT: 325 is admitted.

24 (Whereupon, Plaintiff's Exhibit 325 was marked for
25 purposes of identification and admitted into evidence.)

1 BY MS. MATZ:

2 Q Okay. And in the middle of -- well, the first comment, it
3 says unWinewithTashaK I'm serious. You see that; correct?
4 And then there's a comment by someone, realtortishamack. You
5 see that?

6 A That is -- yes, ma'am.

7 Q Okay. And that comment is talking to you about your
8 coverage of my client; correct?

9 A Yes, ma'am.

10 Q Okay. And you respond to that comment by saying, I don't
11 like the bitch. When we're done with this lawsuit, I will go
12 back to being fair. Do you see that?

13 A That is correct, yes, ma'am.

14 Q Okay. All right. Do you recall giving testimony during
15 your deposition that you agreed that you have posted highly
16 offensive things about my client?

17 A That is correct.

18 Q You admitted that during your deposition; correct?

19 A Yes, ma'am.

20 Q And you also admitted during your deposition that you have
21 targeted my client in a lot of your videos; correct?

22 A That is correct.

23 Q And you were also asked whether or not you would describe
24 what you've done as hating on a person. You remember that?

25 A Parts of it. Can you phrase the question for me, please.

1 Q Well, why don't we just take a look at your deposition
2 testimony. We can go to your November 19th deposition.

3 A Okay.

4 Q And we're going to go to page 155 beginning at 07. I'm
5 sorry. A couple of lines down from that.

6 A 155, line what? I'm sorry.

7 Q I believe it starts at line 14, which is, and would you
8 describe what you've done as hating on a person? Answer, yes.
9 Is that the testimony you gave?

10 A You said -- I'm on page 155. Line 7?

11 Q No.

12 A Okay. Line 15. Sorry about that. Okay. And would you
13 describe what you've done as hating on a person? I answered
14 yes, ma'am.

15 Q Okay. Thank you. So that was your testimony?

16 A Yes, ma'am.

17 Q All right. So you've admitted that you were made aware by
18 your attorneys of some of the medical records that were
19 produced in this case; correct?

20 A That is correct.

21 Q And specifically you were made aware of the test results
22 for the herpes test; correct?

23 A That is correct.

24 Q Okay. And you also have admitted that you are aware and
25 you've seen articles in my client's public statement saying

1 that she's not the person in the beer bottle video; correct?

2 A That is correct.

3 Q And that you don't know how that video was put together or
4 verified or anything else; right?

5 A That is correct.

6 Q And you don't know if it's actually her in it; correct?

7 A That is correct.

8 Q And you've also admitted to receiving at least three
9 separate take-down requests; correct?

10 A That is correct.

11 Q Okay. And yet again all the videos that we've watched
12 today with the statements that my client has alleged are
13 defamatory in them are still up; correct?

14 A Yes, ma'am.

15 Q To this day?

16 A Yes, ma'am.

17 Q Can we please look at Plaintiff's 269. Okay. Have you
18 ever seen this before?

19 A Yes, ma'am.

20 Q Is this a copy of a Twitter post that you authored?

21 A Yes, ma'am.

22 Q And this was posted on March 24th of 2019?

23 A Yes, ma'am.

24 Q And that would have been days after this lawsuit was
25 filed; is that correct?

1 A I believe so.

2 Q I'll just remind you that it was stipulated that this
3 lawsuit was filed on March 21st of 2019.

4 A That is correct.

5 MS. MATZ: Okay. And I'm sorry. Your Honor, I'd
6 offer this in evidence.

7 MR. SABBAK: No objection.

8 THE COURT: This is 269?

9 MS. MATZ: Yes, your Honor.

10 THE COURT: It's admitted without objection.

11 (Whereupon, Plaintiff's Exhibit 269 was marked for
12 purposes of identification and admitted into evidence.)

13 BY MS. MATZ:

14 Q All right. So in this post you have said all videos are
15 live and will stay live until a judge orders them down;
16 correct?

17 A That is correct.

18 Q And that's testimony you've given earlier today, that
19 you've made that statement and statements to that effect many
20 times; correct?

21 A Yes, ma'am.

22 Q Okay. And then you said, let's suit up and let the white
23 folks decide. Do you see that?

24 A Yes, ma'am.

25 Q So again in the post you're publicly proclaiming that

1 you're not going to take the videos down until there's a
2 verdict or an order ordering you to do so; correct?

3 A Yes, ma'am.

4 Q You've published some additional very recent posts
5 continuing to call my client Herpes B; is that correct?

6 A Yes, ma'am.

7 Q Long after you acknowledge that you were aware of the
8 medical records; correct?

9 A That is correct.

10 Q Okay. Can we please pull up Plaintiff's 987. Have you
11 ever seen this before?

12 A Yes, ma'am.

13 Q And is this a copy of a post you made on YouTube?

14 A Yes, ma'am.

15 Q Okay. And you authored this and posted it on your
16 channel; correct?

17 A That is correct.

18 Q And the date of this is November 11th of -- excuse me --
19 November 8th of 2021?

20 A That is correct.

21 MS. MATZ: Your Honor, I'd offer this into evidence.

22 MR. SABBAK: No objection.

23 THE COURT: P-987 is admitted.

24 (Whereupon, Plaintiff's Exhibit 987 was marked for
25 purposes of identification and admitted into evidence.)

1 BY MS. MATZ:

2 Q All right. In this you said, we live tonight at 10:30
3 est/ 3:30 a.m. UK. You see that?

4 A Yes, ma'am.

5 Q And then you said, I apologize for the lateness. However,
6 my say has been full. And then you said, we got major wine
7 tonight on Mrs. HerpesB. You see that?

8 A Yes, ma'am.

9 Q Okay. And again this is HerpesB as referring to my
10 client; correct?

11 A Yes, ma'am, Cardi B.

12 Q And you posted this on November 8th of 2021?

13 A That is correct.

14 Q Okay. You also posted this on Twitter at that time; is
15 that right?

16 A That is correct.

17 Q Okay. If we could please pull up Plaintiff's 999. Do you
18 recognize this document?

19 A Yes, ma'am.

20 Q Is this a true and accurate copy of the Twitter -- the
21 Twitter post of what we were just looking at from November 8th
22 of 2021?

23 A Yes, ma'am.

24 MS. MATZ: Your Honor, I'd offer this into evidence.

25 THE COURT: Any objection?

1 MR. SABBAK: No, sir.

2 THE COURT: P-999 is admitted.

3 (Whereupon, Plaintiff's Exhibit 999 was marked for
4 purposes of identification and admitted into evidence.)

5 BY MS. MATZ:

6 Q All right. So this is the same message that we were just
7 looking at that you posted on Twitter; correct?

8 A Yes, ma'am.

9 Q Okay. And again you're calling my client Mrs. HerpesB?

10 A That is correct.

11 Q All right. If we can please look at Plaintiff's 1000.

12 All right. There's two posts on this, the second one and the
13 fourth one. Have you ever seen those before?

14 A I believe so, yes.

15 Q Okay. And is that your handle on Instagram?

16 A Yes, ma'am.

17 Q And you posted those posts on Instagram; correct?

18 A Yes, ma'am.

19 MS. MATZ: Okay. Your Honor, I'd offer this into
20 evidence.

21 MR. SABBAK: Objection, your Honor. Inadmissible
22 hearsay.

23 THE COURT: I'm sorry. What's the objection?

24 MR. SABBAK: Inadmissible hearsay.

25 THE COURT: You've got to talk a little slower and a

1 little louder.

2 MR. SABBAK: I'm sorry, Judge. Inadmissible hearsay.

3 THE COURT: Well, I'm assuming that the plaintiff is
4 not seeking to admit it for purposes of the comments made by
5 others but comments made by the defendant; is that correct,
6 Ms. Matz?

7 MS. MATZ: No, we're not seeking to introduce any of
8 the other comments as truth. One is a question the defendant
9 answers, and then the other one is just a statement.

10 THE COURT: So the objection is overruled. The
11 document is admitted. The comments of the defendant are
12 comments that are relevant to the case. Comments or
13 statements made by some other party is not admitted for
14 purposes of the truth of the matter, and the Court should
15 disregard any implication about the truth of what someone else
16 may have said that's not in here, not in court to testify to
17 those facts.

18 MR. SABBAK: Thank you, Judge.

19 THE COURT: So P-1000 is admitted.

20 (Whereupon, Plaintiff's Exhibit 1000 was marked for
21 purposes of identification and admitted into evidence.)

22 BY MS. MATZ:

23 Q Do you recognize these as comments to the Instagram
24 version of the posts we were just looking at?

25 A Yes, ma'am.

1 Q Okay. Because you referred to my client in that post also
2 as Mrs. HerpesB; correct?

3 A I believe so, yes.

4 Q All right. And you were asked, Mrs. Herpes, who is that;
5 right?

6 A Yes, ma'am.

7 Q Okay. And you responded -- well, can you read your
8 response into the record.

9 A I put Chile Cardi.

10 Q And you're referring to my client, Cardi B; correct?

11 A Cardi B. That is correct.

12 Q All right. And then in response to another comment
13 partway down the page, you responded, fuck Cardi?

14 A That is correct.

15 Q Okay. So this also would have occurred at or around
16 November of 2021; correct?

17 A I believe so, yes.

18 Q Okay. Thank you. Did you later delete the fuck Cardi
19 comment?

20 A I'm not sure. Sometimes my comments get reported, so
21 they'll disappear. But it depends. If I make an error
22 writing, then, yes, I'll delete and rewrite it. But as far as
23 deleting, what I said is what I said.

24 Q Do you recall deleting this particular comment?

25 A No, ma'am.

1 Q Okay. So if it were no longer up, it would have been
2 because it got reported?

3 A Yes, ma'am. That is correct.

4 Q And just so the jury understands, when you say it got
5 reported, you mean that other users can report comments to
6 Instagram or Facebook, or whatever platform we're talking
7 about, for violation of their rules or community standards;
8 correct?

9 A That is correct.

10 Q And so you said that sometimes your comments get reported
11 for violation of those standards?

12 A Yes, ma'am.

13 Q Okay. And is it your understanding that this comment got
14 deleted for violation of those standards?

15 A I'm not sure. It probably -- it may be still there just
16 buried in the comments because, I mean, the comments are so
17 deep.

18 Q Okay. Let's look at Plaintiff's 986. Have you ever seen
19 this before?

20 A I believe so. It looks like a comment from my YouTube
21 channel, a community tab.

22 Q And specifically I'm talking about the second thing down.
23 Is that your handle?

24 A Yes, ma'am.

25 Q And does that indicate you -- your comment right there at

1 the second line?

2 A Yes, ma'am.

3 Q Okay. So you authored that?

4 A Yes, ma'am.

5 MS. MATZ: All right. Your Honor, I'd offer this
6 into evidence.

7 MR. SABBAK: Your Honor, objection again for hearsay.

8 THE COURT: All right. So same ruling as before.

9 The document, which is Plaintiff's 986 is admitted. The jury
10 should not consider any comments made by any person who is not
11 in court to testify, and so they're not admitted for the truth
12 of the matter asserted therein. The jury can consider the
13 comments attributable to the defendant for whatever purpose
14 that the jury sees fit.

15 (Whereupon, Plaintiff's Exhibit 986 was marked for
16 purposes of identification and admitted into evidence.)

17 BY MS. MATZ:

18 Q Was this also -- were these comments -- is it your
19 understanding these were also in response to the YouTube
20 version of the Mrs. HerpesB post that we were just looking at
21 from November?

22 A I'm not sure. I've had so many posts that said Herpes B,
23 so I don't know where you took this comment from.

24 Q Okay. And your post was responding to a question; is that
25 true?

1 A Yes, ma'am.

2 Q So the question was, are you even supposed to call her
3 Herpes B lol, and you responded I am?

4 A That is correct.

5 MS. MATZ: All right. Your Honor, could I have a
6 quick side bar with you?

7 THE COURT: I'm sorry?

8 MS. MATZ: Could I have a quick side bar?

9 THE COURT: Sure.

10 (Whereupon, a bench conference was held between the
11 Court and counsel.)

12 MS. MATZ: I think I'm almost done. I think the only
13 thing I'd like-- I mean, I could just end, but I'd like to
14 just -- I think I'm pretty much finished.

15 THE COURT: Why don't you just review your notes and
16 see.

17 MS. MATZ: Okay. Yeah, that would be great. I just
18 want a few minutes to make sure.

19 THE COURT: Okay.

20 MS. MATZ: All right. Thank you.

21 MR. SABBAK: Appreciate it, Judge.

22 (Whereupon, the following proceedings continued in
23 open court.)

24 THE COURT: Ladies and gentlemen, I'm giving
25 plaintiff's counsel just a few moments to look at her notes to

1 determine if she has any other questions or not, so if you'll
2 just sit for just a minute or two, we'll be back to you in
3 just a few minutes. We're going to end at 5:00 no matter
4 what.

5 (Brief recess.)

6 MS. MATZ: I don't have anything further for this
7 witness at this time, your Honor.

8 THE COURT: All right. Thank you. All right.
9 Ladies and gentlemen, we're going to end for the day. I want
10 to remind you of our schedule. We're going to meet tomorrow.
11 If you'll return to be in the jury deliberation room by 9:30,
12 hopefully we can start as soon as everyone is present. We're
13 not going to meet on Friday. I told you I had a medical
14 situation that I needed to accompany my wife to for an exam.
15 And Monday is a federal holiday, Martin Luther King Day, great
16 day, and I hope you'll be able to celebrate it.

17 I understand it's forecasted that we could have bad
18 weather here, and that's a relative term. Plaintiff's counsel
19 may not think it's too bad, but for us it's bad. And so there
20 may be some frozen weather on Sunday, but everything I
21 understand right now is that -- you know, this is Georgia, and
22 so we'll know by Monday. We will not be meeting Monday
23 anyway. Of course, if I'm wrong about that, if the weather
24 forecasts are wrong or -- this trial will last another week or
25 so, so we could have another round in there somewhere else.

1 Here's the policy I follow on whether we would meet
2 or not: If any school in any of the counties in which you
3 live or that you would have to pass through to get here are
4 closed, then because -- and, of course, schools don't close
5 anymore. Since Covid, they all just go digital. But if their
6 buses aren't running, then they've made a decision that they
7 think that travel could be dangerous, particularly for
8 southerners who aren't experienced in driving in it. And so
9 if that is the case, then we would not meet.

10 We're not going to make you -- you know, I don't know
11 where you all live necessarily and whether you live on a hill
12 or a valley or whatever. I'm not going to make you drive in a
13 dangerous situation to get here. We would also let you know
14 that. But that's what you could expect, is that if it's
15 inclement weather, probably the furthest county is -- is
16 someone from Woodstock? Anybody from Cherokee County on the
17 jury? Yeah, I thought we had one. Then you would have to
18 come a long way, and then you're further north than anyone
19 else. So probably Cherokee County schools is a pretty good
20 prediction about whether we would meet or not. But whatever
21 we're supposed to have Sunday, I think by Monday afternoon it
22 will be fine, and so we should be able to meet back on
23 Tuesday.

24 But we'll have a full day tomorrow, and I look
25 forward to seeing you again. If you'd leave your notes in the

1 jury deliberation room, and we'll see you in the morning.

2 Thank you.

3 COURTROOM SECURITY OFFICER: All rise.

4 (Whereupon, the jurors exited the courtroom.)

5 THE COURT: You can step down if you'd like.

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you. So let's talk a little bit
8 about what to expect tomorrow relative to the defendant's
9 questioning of your client. Do you intend to go forward
10 tomorrow? Do you intend to just defer until it's your case in
11 chief?

12 MS. IZMAYLOVA: Yes, sir.

13 THE COURT: Okay. All right. So, Ms. Matz, if you
14 can kind of give me an indication of what witnesses or how
15 many witnesses you'll have tomorrow, I just want to make sure
16 we have a full day understanding that we will be breaking
17 tomorrow for the weekend.

18 MS. MATZ: I think we will probably have two
19 witnesses tomorrow.

20 THE COURT: Okay. All right. So just be sure that
21 you can fill the day is my only --

22 MS. MATZ: Understood, your Honor, completely.

23 THE COURT: In that regard. All right. Well,
24 anything else we need to talk about before the morning?

25 MS. IZMAYLOVA: Not from us, your Honor.

1 THE COURT: All right. We'll see y'all at -- I'll be
2 here at 9:00. If you have something to talk about then, let
3 Ms. Lee know. Otherwise, we'll convene at 9:30.

4 MS. IZMAYLOVA: Thank you.

5 MS. MATZ: Thank you, your Honor.

6 COURTROOM SECURITY OFFICER: All rise. Court stands
7 in recess.

8 (Whereupon, the proceedings were adjourned at 4:58
9 p.m.)

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REPORTERS CERTIFICATE

I, Wynette C. Blathers, Official Court Reporter for the United States District Court for the Northern District of Georgia, with offices at Atlanta, do hereby certify:

That I reported on the Stenograph machine the proceedings held in open court on January 12, 2022, in the matter of BELCALIS MARLENIS ALMÁNZAR v. LATASHA TRANSRINA KEBE and KEBE STUDIOS LLC, Case No. 1:19-CV-01301-WMR; that said proceedings in connection with the hearing were reduced to typewritten form by me; and that the foregoing transcript (Volume III of X, Pages 1 through 189) is a true and accurate record of the proceedings.

This the 27th day of February, 2022.

/s/ Wynette C. Blathers, RMR, CRR
Official Court Reporter